



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 1633 OF 2023

PRASHANT BHAGWAN NAYAK

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Amol Mhatre for the Applicant.

Ms. Rutuja Ambekar, APP for the State.

API Bhushan Shinde, Wagale Crime Unit – 5, Thane City
Crime Branch.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 13, 2023

P.C. :

1. Heard learned counsel for the applicant and learned
APP for the State.

2. This is an application for bail in respect of the offence
punishable under Sections 8(c), 20(c) and 29 of the
Narcotic Drugs and Psychotropic Substances Act, 1985
(NDPS Act), registered on 02/09/2021 vide C.R. No.299 of
2021 with Kasarvadavali Police Station, Thane.

3. The applicant along with co-accused Arman Chinda
Patel was found in possession of 24 Kgs of contraband

'ganja' on 01/09/2021. So far as the co-accused Arman Chinda Patel is concerned, the Hon'ble Supreme Court has enlarged the co-accused on bail by the order dated 04/12/2023. The order reads thus:

"Leave Granted.

Heard learned counsel for parties.

Learned counsel for the State does not dispute that the appellant has been incarcerated for a period of more than 2½ years and the Court has not even framed charges as yet.

In view thereof, we enlarge the appellant on bail on terms and conditions to the satisfaction of the Trial Court."

4. Learned APP opposed the application and apart from oral submissions invited my attention to the affidavit filed on behalf of the respondent-State. My attention is particularly invited to paragraph No. 16 and grounds (c) to (i) mentioned in paragraph No.18 of the affidavit.

5. There is no dispute that the present applicant along with the co-accused was found in possession of the contraband 'ganja'. There are no criminal antecedents reported. In this view of the matter, I am inclined to enlarge the applicant on bail on the ground of parity. Hence, the

following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Prashant Bhagwan Nayak in connection with C.R. No. 299 of 2021 registered with Kasarvadavali Police Station shall be released on bail on his furnishing P.R. Bond of Rs.50,000/- with one or more sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 50,000/- for a period of 6 weeks in lieu of surety.
- (d) The applicant shall attend the Investigating Officer of Kasarvadavali police station once in three months, first Monday of the concerned month, between 11.00 a.m. and 1.00 p.m. commencing January-2024.
- (e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.
- (f) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(g) The applicant shall not leave India without prior permission of the trial Court.

(h) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(i) The applicant shall surrender his passport to the investigating officer. If the applicant does not have a passport, the applicant shall file an affidavit before the trial Court to that effect.

6. The application is disposed of.

(M. S. KARNIK, J.)