

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2756 OF 2021**

Asath H.

...Applicant

Versus

Directorate of Revenue Intelligence and anr.

...Respondents

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Mr. Advait Tamhankar a/w Mr. Tarag Sayed a/w Ms Ashwini Achari for the Applicant.

Mr. Ruju Thakker a/w Mr. Advait Sethna a/w Rangan Majumdar for Respondent No. 1- DRI.

Ms Rutuja Ambekar, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 17 JANUARY 2023

P.C. :-

This is an application under Section 439 of Code of Criminal Procedure for bail.

2. The applicant is an accused in Special NDPS Case No. 412 of 2019 pending on the file of Additional Sessions, Judge, Panvel for the offences punishable under Sections 25 r/w 22(c), 23(c), 27A r/w 8(c), 30 r/w 8(c) of the Narcotic Drugs and Psychotropic Substances Act.

3. I have heard the learned counsel for the applicant and the learned standing counsel for the respondent- DRI.

4. The learned counsel for the applicant submits that special Court has released the main accused- Sham Devprakash and the co-accused-

Jagdeeshan. It is submitted that allegations against the present applicant and co-accused Jagdeeshan are identical.

5. I have perused the complaint filed by the DRI. The allegations against the co-accused Jagdeeshan and present applicant appears to be identical. Apart from it, the applicant is in jail for more than four years. There are no other criminal antecedents. Considering the overall facts and circumstances, I am inclined to release the applicants on bail. Hence, the following order is passed:

- (i) Application is allowed.
- (ii) The applicant- Asath H. shall be released in Special NDPS Case No. 412 of 2019 pending on the file of Additional Sessions, Judge, Panvel for the offences punishable under Sections 25 r/w 22(c), 23(c), 27A r/w 8(c), 30 r/w 8(c) of the Narcotic Drugs and Psychotropic Substances Act on bail on furnishing PR bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.
- (iii) The applicant shall attend the concerned DRI Office once in a month i.e., on first Friday between 11.00 a.m. to 2.00 p.m. till conclusion of trial.
- (iv) He shall submit his residential address and mobile number to DRI Office.

6. The applicant shall deposit his passport with the trial Court or file affidavit that he does not hold passport.

(N.R.BORKAR, J.)

This order is corrected pursuant to the speaking to minutes of the order dated 10 March 2023.