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

BAIL APPLICATION NO.1667 OF 2023

RAVI VINAYAK VISHE

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Sanjeev Kadam i/b. Adv. Kishor Hase for the applicant.
Mr. P. H. Gaikwad, APP for the State.
ASI M. B. Parab, Crime Branch Thane.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 31, 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(b)(ii), 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereafter 'NDPS Act' for short) registered on 16.11.2022 vide C.R. No.I-233 of 2022 with Bazarpeth Police Station, Kalyan.
- 3.** The FIR was lodged on the basis of the complaint of Mr. Arvind Pawar who is a police constable working at the Anti Narcotic Cell at Thane. There are in all two accused.

The applicant is the accused No.2. The applicant was arrested on 16.11.2022. The prosecution case is that the accused came on a scooter and motorcycle. The present applicant handed over one plastic bag which was kept in the storage dicky of his scooter to accused No.1 who had come there on a bullet motorcycle. The raid was effected. The contraband 'Charas' weighing 921 grams which is an intermediate quantity was recovered from the accused No.1. So far as the accused No.1 is concerned, who was working as an Assistant Police Inspector, this Court on 25.08.2023 while enlarging the accused No.1 on bail passed the following order :-

"3. The applicant came to be arrested on 16/11/2022. There are in all two accused and the applicant is accused No.1. There are accusations against the applicant that on 15/11/2022 at about 16.10 Hrs on the road coming towards Khadakpada, the applicant and the co-accused Ravi Vishe were present there. They were found in possession of a narcotic drug namely 'Charas' in their custody for the purpose of selling it illegally. The 'Charas' found in the possession of the applicant is 921 GMs which is an intermediate quantity.

4. Learned APP while opposing the application states that having regard to the fact that the present applicant was employed in the police department as an Assistant Police Inspector, the accusations are serious and this could not be a fit case for grant of bail. On record a C.A. report shows that the drug found in possession is 'Charas'. Learned APP also

invited my attention to a statement recorded under Section 164 of the Code of Criminal Procedure, 1973, of one of the witnesses in which the witness on record stating that the applicant was indulging in such activities.

5. The applicant was arrested and has been in custody since 16/11/2022 i.e. for more than eight months. There are no criminal antecedents recorded against the applicant. The charge sheet is filed and the investigation is complete. The bar of Section 37 of the NDPS Act does not apply in the present case. The applicant does not appear to be a flight risk. The applicant is already under suspension. The trial is not likely to conclude at any time soon in the near future. The applicant undoubtedly will face the consequences of the accusations if he is ultimately convicted on the basis of the evidence before the trial Court. In this view of the matter, the applicant can be enlarged on bail by imposing certain conditions."

4. Learned APP opposed the application for bail contending that it is the applicant who handed over the contraband to the accused No.1.

5. The applicant was working as a police constable at the relevant time. As the co-accused No.1 has been enlarged on bail, on the ground of parity even the present applicant can be enlarged on bail. The investigation is complete and the charge-sheet has been filed. There are no criminal antecedents reported against the applicant. In this view of the matter, the applicant can be enlarged on bail by imposing certain conditions. Hence, the following order:

ORDER

- (a) The applicant – Ravi Vinayak Vishe in connection with C.R. No.I-233 of 2022 with Bazarpeth Police Station, Kalyan shall be released on bail on his furnishing P.R. Bond of Rs.1,00,000/- with one or more sureties in the like amount.
- (b) The applicant shall attend the Investigating Officer of the Bazarpeth Police Station, Kalyan once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.
- (c) 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 the prosecution witnesses.
- (d) 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.
- (e) The applicant shall not leave Thane District without prior permission of the trial Court.
- (f) The prosecution is at liberty to apply for cancellation of bail if any of the conditions are breached.

6. The application is disposed of.

(M. S. KARNIK, J.)