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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2088 OF 2022

Sundip Sansar Dhunay @ Sunny ...Applicant
V/s.

The Customs Department
(Preventive) Narcotics Cell, Pune ...Respondent.

Mr. Lokesh Zade i/b Mr. Gopal Bhosale for the Applicant.
Mr. Amit Munde, Spl.PP for Respondent (Customs).

CORAM : N.R. BORKAR, J.
DATE : 01.03.2023.

P.C. :

1. This is an application under Section 439 of Code of Criminal Procedure for bail.
2. The applicant came to be arrested in Crime No. 2 of 2016 registered by the Customs Department (Narcotic Cell) Pune for the offences punishable under Sections 22(c), 25 and 29 (1) read with 8(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act).
3. I have heard the learned counsel for the applicant and the learned standing counsel for the respondent/Customs.
4. The bail is sought on the ground of prolong incarceration as an under-trial.
5. The learned counsel for the applicant submits that this Court by order dated 27 October 2021 in Bail Application No. 127 of

2021 filed by the present applicant directed the Trial Court to conclude the trial within a period of six months. It is submitted that even after the order passed by this Court, there is no progress in the trial and the trial is still at the same stage, i.e., recording evidence of PW-1. It is submitted that the applicant is in jail for more than 7 years. It is thus submitted that the present applicant may be released on bail.

6. On the other hand, the learned standing counsel for the respondent/Customs submits that the applicant is involved in a serious crime. It is submitted that the psychotropic substances of commercial quantity were found in the possession of applicant and other co-accused. It is submitted that the applicant may therefore, not be released on bail.

7. I have perused the Roznama of the trial Court. On 22 July 2022, 27 July 2022, 11 August 2022, 2 September 2022, 17 October 2022, 9 November 2022, 23 November 2022 and 22 December 2022, the trial was adjourned as Special P.P. was absent. Considering the overall facts and circumstances and as the applicant is in jail for more than 7 years, I am inclined to release him on bail. In the result, the following order is passed.

ORDER

A] Bail Application is allowed.

B] The applicant be released on bail in C.R. No. 2 of 2016 registered by the Customs Department (Narcotic Cell) Pune for the offences punishable under 22(c), 25 and 29 (1) read with 8(c) of the NDPS Act on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

C] The applicant shall deposit his Passport with the Trial Court or shall file an affidavit that he does not hold the Passport.

D] The applicant shall attend the concerned Office of Customs Department (Narcotic Cell), Pune once in a month, i.e., on first Friday between 11.00 a.m. to 2.00 p.m. till conclusion of the trial.

[N.R.BORKAR, J.]