

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 3630 OF 2022

Puneet Satbir Kadian

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Mr. Mithilesh Mishra i/b Mr. Gopal Bhosale, Advocate for the Applicant.
Mr. A. A. Palkar, APP for Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 19th OCTOBER, 2023.

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P.C. :

1. By this Application, Applicant is seeking bail in C. R. No. 249 of 2021, registered with Khadki Police Station Pune, for the offences punishable under Sections 8(c), 20(b)(ii) and 29 of the Narcotic Drugs and Psychotropics Substances Act, 1985 (for short NDPS Act”).
2. It is prosecution’s case that, on 17th August, 2021 police received secret information regarding illegal sale and purchase of narcotic contraband. Accordingly police formed a team and went to incident spot. There, they saw one person standing with a sand bag and he seemed suspicious. Police approached him, the said person tried to ran away. However, He was detained on the spot. In his personnel search police found a four corned box containing some

substance wrapped in silver paper. The said substance was Charas. It was weighed around 1kg. The said person gave the name of accused no.2 Bharat Bhounik police arrested Accused No.2, in investigation Accused No.2 told about the involvement of applicant in present crime. The role attributed to the applicant is that, he was buyer of the said Charas.

3. It is contention of learned counsel for the Applicant that, nothing is recovered at the instance of applicant. Applicant has been falsely implicated in this case. The accused who was carrying the contraband is released on bail by this Court (Coram: M. S. Karnik, J) by order dated 16th October, 2023. Applicant has no criminal antecedents. Hence, requested to allow the application.

4. It is contention of learned APP that, applicant was involved in the present crime. Applicant supposed to buy the Charas from accused no.1. There is CDR which shows, there was 58 calls between Accused Nos.1, 2 and Applicant. It shows involvement of Applicant in the said crime. There is *prima facie* case against the Applicant. Learned counsel further submits that, there was monitory transaction between Accused No.2 and present Applicant. Hence, requested to reject the Application.

5. I have heard both learned counsel. Perused FIR and Charge-sheet.
6. There is no recovery at the instance of the applicant. Applicant has no criminal antecedents. Accused no.1 who was carrying the contraband has been released on bail by this Court (Coram: M. S. Karnik, J) vide order dated 16th October, 2023. Hence, I pass following order.
7. In view of above, I pass following order.

ORDER

- (a) The application is allowed.
- (b) The applicant be enlarged on bail in C. R. No. 249 of 2021 registered with Khadki Police Station, Pune, on executing P. R. Bond of Rs.1,00,000/- with one or two sureties in the like amount.
- (c) The applicant shall attend the Investigating Officer of Khadki Police Station once in a month every first Monday of the month between 11:00 a.m. and 1:00 p.m.
- (d) 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.

(e) 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.

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

(g) The applicant shall surrender his passport, if any, to the investigating officer.

(h) The applicant shall not leave the country without prior permission of the trial Court.

8. The application is allowed in the aforesaid terms and is accordingly disposed of.

9. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case

on its own merits in accordance with law and uninfluenced by the observations made in this Order.

10. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)