



PMB

12.ba.3030-23.doc

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

BAIL APPLICATION NO.3030 OF 2023

BHIMABAI @ AKKA DATTATRAYA LAKADE ..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Rameshwar N. Gite a/w Adv. Rohit D. Gorade for the
applicant.

Ms. Rutuja Ambekar, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 2, 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), 20(B) of the
Narcotic Drugs and Psychotropic Substances Act, 1985
(hereafter "NDPS Act", for short) registered on 08.06.2023
vide C.R. No.610 of 2023 with Yavat Police Station, Pune.

3. There are in all four accused. The applicant is the
accused No.1. The date of the incident is 08.06.2023. The
applicant was found in possession of 3.5 kg of 'Ganja' which

is a non-commercial quantity. The 'Ganja' was found from the house of the applicant on search. The rigours of Section 37 of the NDPS Act do not apply in the present case.

4. Learned APP while opposing the application for bail submitted that there are previous two criminal antecedents reported against the applicant. In respect of earlier C.R. which is registered in the year 2013 the applicant was acquitted. In respect of C.R. No.1156 of 2018 registered with Hadapsar Police Station, Pune the applicant was found in possession of 2.134 kg of 'Ganja'. It is submitted that the applicant while on bail, the present offence is committed.

5. My attention is invited to the certificate issued by the Varad Vinayak Hospital, Pune which records that the applicant who is 57 years of age requires surgical intervention (heart surgery) upto 31.10.2023. Considering the age of the applicant, that she is a woman, looking at her medical condition coupled with the fact that the applicant was found in possession of non-commercial quantity of contraband 'Ganja', I am inclined to enlarge the applicant on bail. Though there is one criminal antecedent

reported against her, in my opinion, in the facts and circumstances of the present case the antecedent should not come in the way of the applicant getting the facility of bail. The investigation is complete and the charge-sheet has been filed. The applicant will face the consequences of the trial. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Bhimabai @ Akka Dattatraya Lakade in connection with C.R. No.610 of 2023 registered with Yavat Police Station, Pune shall be released on bail on her furnishing P.R. Bond of Rs.50,000/- with one or more sureties in the like amount.
- (c) The applicant shall attend the Investigating Officer of Yavat Police Station, Pune 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 her 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.

6. The application is disposed of.

(M. S. KARNIK, J.)