

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2359 OF 2021**

Bhagabai Baban Gajaghate

...Applicant

Versus

The State of Maharashtra

...Respondent

**WITH
INTERIM APPLICATION NO. 3657 OF 2022**

.....

Mr. H. D. Chavan i/b Mr. Sagar Kursija for the Applicant.
Ms. Veera Shinde, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 10 MARCH 2023

P.C. :-

This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 for bail.

2. The applicant came to be arrested in Crime No. 433 of 2020 registered at Walchandnagar Police Station, Pune for the offences punishable under Sections 20(b) of the Narcotic Drugs and Psychotropic Substances Act (NDPS).

3. On 19 September 2020, pursuant to the secret information raid was conducted at the house of the present applicant and about 25 kg 979 gm Ganja was recovered.

4. I have heard the learned counsel for the applicant and the learned APP for the respondent-State.

5. The applicant is accused No. 1 in the above crime. The prosecution's own case is that the said Ganja was brought by the accused Nos. 2 to 5. The applicant is in jail for about two and half years. There are no other criminal antecedents. Considering the overall facts and circumstances of the case, I am inclined to release the applicant on anticipatory bail. Hence, the following order is passed:

- (i) Application is allowed.
- (ii) The applicant shall be released on bail in Crime No. 433 of 2020 registered at Walchandnagar Police Station, Pune for the offences punishable under Sections 20(b) of the Narcotic Drugs and Psychotropic Substances Act (NDPS) on furnishing PR bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.

6. Interim Application for intervention stands disposed of.

(N.R. BORKAR, J.)