

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 3917 OF 2022

Dipak Rajaram Dhangar and Anr.

... Applicants

V/s.

State of Maharashtra

... Respondent

.....
Mr. Paras Yadav i/b. Sumant Patale and Mr. Ravishankar Thombare
Advocate for Applicant.

Mr. Y. Y. Dabke, APP for Respondent-State.

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CORAM : SHIVKUMAR DIGE, J.

DATE : 11th SEPTEMBER 2023

P C:-

1. By this Application, Applicant is seeking bail in C.R.No. 71 of 2022 registered at Kothrud Police Station, Pune under Sections 8(c) and 20(b)(ii) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short "NDPS Act").

2. It is the prosecution's case that on secret information, Police apprehended Applicant and accused No.1. In personal search of accused No.1, Police found approximately 28 Kg ganja. The offence was registered against the accused No.1 and Applicant under above referred Sections. It is the contention of learned Counsel for

Applicant that, Police had received secret information that, the accused No.1 was carrying contraband, no contraband was found in possession of Applicant. No offence under Section 29 of NDPS Act is applied by the Police to show the conspiracy between the accused No.1 and Applicant. Applicant has been falsely implicated in this case. He is behind the bar more than 1½ year. Hence, requested to allow the Application.

3. It is the contention of learned APP that, as per secret information, Police caught hold accused No.1, in the personal search Police found 28 kg Ganja which is of commercial quantity. Applicant was accompanied the accused No.1 which shows his involvement in the crime. If Applicant is released on bail he may abscond. Hence, requested to reject the Application.

4. I have heard both the learned Counsel.

5. Perused the FIR and charge-sheet. Admittedly, contraband was found in the possession of accused No.1. Nothing is recovered from the possession of Applicant, moreover Section 29 of NDPS Act has not been applied to show the conspiracy between the accused No.1 and Applicant. Applicant is behind the bar more than 1½ year.

6. In view of the above, I pass the following Order:-

ORDER

- (i) Applicant be enlarged on bail in C.R.No. 71 of 2022 registered at Kothrud Police Station, Pune, on executing P.R.Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- (ii) Applicant shall attend the concerned Police Station once in a month i.e. on first Monday of the month between 11.00 a.m. to 3.00 p.m. till framing of charge.
- (iii) Applicant shall inform his latest place of residence and mobile number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Investigating Officer.
- (iv) Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

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

(SHIVKUMAR DIGE, J.)