



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

BAIL APPLICATION NO. 4125 OF 2023

DINESH BHAUSAHEB PATOLE	..APPLICANT
VS.	
STATE OF MAHARASHTRA	..RESPONDENT

Mr. Aniket Vagal, for the Applicant.
Mr. Y.Y. Dabke, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 22, 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 18, 20(ii)(b), 8(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereafter 'the NDPS Act' for short) read with section 34 of the Indian Penal Code, 1860 registered on 06/08/2023 vide C.R. No. 493 of 2023 with Ambad police station. The applicant was arrested on 06/08/2023.
3. It is the case of the prosecution that on the basis of the secret information received by the respondent on 06/08/2023, the accused came to be arrested by the raiding

party. The applicant is the accused no.1. The accused no.2 was to deliver the contraband Ganja weighing 13.544 kg to the applicant. The applicant was standing near the autorikshaw when the raid took place. The statement of the accused no.2 mentions that Ganja was to be delivered and sold to the accused no.2. There are no criminal antecedents reported against the applicant. The investigation is complete. The charge-sheet has been filed. Considering that the quantity is intermediate and not a commercial quantity, rigours of section 37 of NDPS Act will not apply. The trial is likely to take a long time to conclude. Further custody will only be by way of a pre-trial punishment. In the facts and circumstance of the case, I am inclined to enlarge the applicant on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Dinesh Bhausahab Patole in connection with C.R. No.493 of 2023 registered with Ambad police station shall be released on bail on his 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

Ambad police station once in a month on first Monday of every 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 to the investigating officer. If the applicant does not have passport, he shall file the affidavit to that effect.

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

4. The application is disposed of.

(M. S. KARNIK, J.)