



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

909 BAIL APPLICATION NO. 506 OF 2024

Sandip Ashok Bhambarkar

..APPLICANT

-VERSUS-

The State of Maharashtra

..RESPONDENT

...
Advocate for Applicant : Mr. Narwade Narayan B.
APP for Respondent/State : Mr.R.D. Raut

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 26th APRIL, 2024.

PER COURT :-

1. The applicant is seeking bail under section 439 of the Criminal Procedure Code, 1973 (for short, "Cr.P.C."). The applicant has been arrested in connection with crime No.0096 of 2024 registered with Gangapur Police Station, Tq. Gangapur, Dist. Aurangabad, for the offence punishable under section 20-B of the Narcotic Drugs and Psychotropic Substance Act.

2. Police Inspector Satyajeet Taitwale lodged the report against the applicant and other one accused alleging that he got secrete information that cannabis are to be brought at Gangapur Bhendala. Accordingly he got the written permission from the Sub-Divisional Police Officer. Then on 28.03.2024 he along with two government panchas effected the raid. The seizure panchanama of

those articles was drawn. Total cannabis of 28 Kg was seized. All the formalities are complied with and accordingly the report was lodged.

3. The learned advocate for the applicant submits that the applicant has no criminal antecedents. He has been falsely implicated in the crime. He is social worker and whistle blower. He had many times made applications to the Police that he has been falsely implicated in the crime as he is taking agitations against so many criminals in the area. The applications and affidavits dated 02.03.2002, 25.06.2021, 26.06.2021, 27.04.2022, 10.08.2021 and 02.09.2021 are filed on record. The learned advocate for the applicant submitted that he is falsely implicated in the crime by the Police and others in order to control his social activities. He lastly prayed to allow the application.

4. The learned APP for the respondent – State strongly opposed the application and submitted that the applicant is involved in serious crime. The cannabis of more than 20 kg is seized from his custody. Though he has no criminal antecedents, however, the investigation is in progress. If the applicant is released on bail, then certainly he may pressurize the prosecution witnesses. He lastly prayed to reject the application.

5. Perused the papers of investigation, particularly the report and seizure panchanama of cannabis. Admittedly, the applicant is social worker and he is fighting for the social cause.

Though he was prosecuted for two crimes earlier those are quashed and set aside by the order of this Court dated 28th February 2023 in Criminal Application No. 2122 of 2022. His various applications submitted to the Superintendent of Police, Ahmednagar shows perfect prediction that he is likely to be prosecuted in false crime. Agitating for social cause is now rare. All these facts show that the applicant is falsely implicated in the crime. Considering the fact that the applicant has roots in the society, he will not flee away from the trial and custody of the applicant is not necessary for further investigation, the applicant is certainly entitled for bail on the principle that the bail is rule and jail is exception. The application, therefore, deserves to be allowed on certain conditions. Hence, the following order.

O R D E R

- I. Application is allowed.
- II. The applicant in connection with crime No.0096 of 2024 registered with Gangapur Police Station, Tq. Gangapur, Dist. Aurangabad, for the offences punishable under section 20-B of the Narcotic Drugs and Psychotropic Substance Act be released on bail on furnishing personal bond of Rs.50,000/- with one surety of the like amount on following conditions:-
 - a) The applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution

evidence in any manner.

III. If any breach of the above condition is noticed by the trial Court, the trial Court is at liberty to cancel the bail granted to this applicant without further reference to this Court.

(SANJAY A. DESHMUKH, J.)

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