



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1072 BAIL APPLICATION NO. 772 OF 2024

Vaibhav Sunil Gaikwad
VERSUS
The State of Maharashtra

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Advocate for Applicant : Mr. Andhale Sandip Ramnath
APP for Respondent: Mrs. Pratibha J. Bharad

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 9th MAY, 2024.

PER COURT :-

1. This is an application for granting bail under section 439 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") in connection with crime No. 0300 of 2024 registered with Rahuri police station, District Ahmednagar for the offences punishable under Sections 20(b)(ii) and 8(c) of the N.D.P.S. Act. His application with similar prayer bearing criminal bail M.A. No. 393 of 2024 came to be rejected by the learned Additional Sessions Judge, Ahmednagar, vide order dated 15.04.2024.

2. It is averred in the report lodged by a police head constable Ganesh Prabhakar Bhingarde, attached to Crime Branch Ahmednagar, that on 21.3.2024 he was on patrolling duty in Rahuri town. At that time, PSI Tushar Dhakrao got a secret information that

the applicant is holding and selling the firm arm (Gawathi Katta) from his house. The police authorities arranged a trap in the house of applicant at Vadarwada, Deolali Pravara and apprehended the applicant at about 13.30 hours. The applicant was found in possession of contraband i.e. Ganja weighing 5.820 Kg. The said article was seized under panchanama, which was drawn on the spot and thereafter the crime was registered.

3. Learned advocate for the applicant submitted that the applicant is falsely implicated in the crime. The allegations against the applicant are very vague and omnibus. The quantity of Ganja is intermediate quantity and not commercial quantity. The applicant has no criminal antecedents, the applicant has roots in the society, he will not flee away from trial and the trial will take a long period. Practical investigation is over. It is lastly prayed to allow the application.

4. Learned A.P.P. for the respondent-State has strongly opposed the application and submitted that the applicant is involved in serious crime. The Ganja weighing 5.820 Kg/gram is found in the house of the applicant. The learned A.P.P. lastly prayed to reject the application.

5. Perused the papers of investigation, particularly report of the inventories prepared by the J.M.F.C. so also the quantity seized of the articles 5.820 Kg. It is not commercial quantity but it is certainly below commercial quantity, which can be termed as intermediate quantity. The applicant has no criminal antecedents. The applicant has roots in the society. He will not flee away from the trial. The trial will take a long period. In view of the above and considering the quantity of contraband, the application deserves to be allowed by imposing some stringent conditions upon the applicant so as to prevent him from committing similar nature of offences in future. Hence, the following order.

O R D E R

- I. Application is allowed.
- II. The applicant in connection with crime No. 0300 of 2024 registered with Rahuri police station, District Ahmednagar for the offences punishable under Sections 20(b)(ii) and 8(c) of the N.D.P.S. 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 tamper with the prosecution evidence and shall not pressurize the witnesses, in any manner.
 - b) The applicant shall not indulge in similar nature of activities/crime.

- c) The applicant shall not leave Ahmednagar district without prior permission of the trial court.
- d) It is clarified that if the applicant commits any breach of the above conditions, the investigating officer or the concerned person authorized is at liberty to file an application for cancellation of bail of the applicant before the trial court. The trial court is at liberty to decide the application for cancellation of bail, if filed, on its own merits, without reference to this Court.

(SANJAY A. DESHMUKH, J.)

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