



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 1211 OF 2024

PARMESHWAR @ MOHAN SAHEBRAO GADEKAR
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. S. P. Pandit
APP for Respondent : Ms. D. S. Jape
...

CORAM : S. G. MEHARE, J.

DATE : 01-08-2024

PER COURT :-

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondent.
2. The applicant seeks bail in C.R.No.106 of 2024 registered with Beed City Police Station, Taluka and District Beed, for the offences punishable under Sections 8(c), 22(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short, "NDPS Act") and Sections 18(A), 18(c), 27(KH)(2) of the Drugs and Cosmetics Act, 1940.
3. It has been alleged against the applicant that he used to sell Histacod-c (Codeine Phosphate Chlorpheniramine Maleate Cough Linctus and Anzillum 0.5 (Alphrazolam Tablets IP) tablets to co-accused No.2 without any license. Accused No.2 was selling it to accused No.1 who was selling those drugs which are psychotropic drugs near the School.

4. Learned counsel for the applicant submits that the quantity recovered from the applicant is less than the small quantity. Therefore, rider of Section 37 of the NDPS Act could not apply. There are no antecedents to his discredit. The material investigation against him has been completed. Hence, he may be granted bail.

5. Learned A.P.P. has strongly opposed the application. She submits that the applicant and co-accused No.2 have many transactions on PhonePe, that goes to show that the applicant was involved in this illegal business since long. The offence is danger to youngster's life and society. The investigation may find the involvement of the applicant in other crimes also. Hence, he may not be granted bail.

6. Perused the papers.

7. Considering the quantity recovered from the applicant, which is less than small quantity; the rider of Section 37 of the NDPS Act does not apply. There are no antecedents to the discredit of the applicant. He is from agriculturist family. The material investigation against him has been completed. Hence, no purpose would be served in keeping him behind bars. Hence, the order:-

ORDER

i) The application is allowed.

- ii) Applicant - Parmeshwar @ Mohan Sahebrao Gadekar be released on bail, on furnishing PB and SB of Rs.50,000/-, with one solvent surety of the like amount, in the above crime for the aforesaid offences, on the conditions that,
- (a) He shall not tamper with the prosecution witnesses.
 - (b) He shall not involve in similar crime.
 - (c) He shall attend the concerned police station when called on written notice by the Investigating Officer till the chargesheet is filed.

**(S. G. MEHARE)
JUDGE**

rrd