

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 3063 OF 2023

Sachin @ Rakesh Rajaram Mhapusakar

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. Vikrant V. Phatate with Mahesh S. Arjun, Advocate for Applicant.

Mr. Sameer Mangaonkar, APP for State-Respondent.

CORAM:- ANIL S. KILOR, J.

DATED:- 3rd JULY, 2024

PC:-

1) Heard.

2) By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No. 27 of 2023 registered with Railway Police Station, District: Solapur, for the offences punishable under Sections 8(c), 20(b)(ii)(c) and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985.

3) The allegations against the applicant in the present matter are that, the contraband found in the car along with three co-accused, was owned by him. Whereas, it is the case of the applicant that he is not the

owner of the vehicle but because of the statement of the dealer of the car that the vehicle was sold to the applicant, the applicant has been falsely implicated in the alleged offence.

4) No doubt there are two antecedents against applicant under NDPS. However, it is pointed out that in one matter, 4 grams of Ganja and another 4 matter 4 kg. Of Ganja was found which is admittedly small quantity.

5) It is further evident that nothing is recovered from the applicant and at the time of raid, the applicant was not present in the car. The only allegation is that the applicant is the owner of the vehicle used in the offence.

6) In the circumstances, considering the material collected by the Investigating Officer in the present matter, there is a reasonable ground to believe that the applicant is not guilty of the alleged offence. Moreover, considering the antecedents, there is no possibility that the applicant would repeat the similar offence, if he is released on bail. In the circumstances, I proceed to pass the following order:-

ORDER

- i) The Criminal Bail Application is allowed.
- ii) It is directed that the applicant shall be released on bail in connection with Crime No. 27 of 2023 registered with Railway Police Station, District: Solapur, for the offences punishable under Sections 8(c), 20(b)(ii)(c) and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985, on furnishing P.R.Bond of Rs.25,000/-(Rupees Twenty-Five Thousand) with solvent surety in the like amount;

- iii) The applicant shall attend the said Police Station on 1st and 16th day of each month between 12:00 noon and 2:00 p.m., till the conclusion of the trial except on the date of trial except on the date of trial.
- iv) The Applicant shall not enter within the territorial jurisdiction of Ratnagiri City, till conclusion of trial except for attending trial;
- v) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;
- vi) Liberty is granted to the State to apply for cancellation of bail in case the applicant commits the similar offence.
- vii) The applicant shall attend the trial before the trial Court regularly on every date unless exemption is granted by the trial Court.

The Criminal Bail Application is **disposed of** accordingly.

[ANIL S. KILOR, J.]