

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

BAIL APPLICATION NO. 680 OF 2024

Rajendra Dattu Jadhav

.Applicant

Versus

The State of Maharashtra

.Respondent

Mr. Ganesh Gupta a/w. Mr. Deepak Gupta, Mr. Sahil Ghorpade,
Mr. Madan Khansole & Mr. Jagrut Patil i/b. G. G. Legal Associates,
Advocates, for the Applicant.

Ms. S. S. Kaushik, APP, for the Respondent – State.

Mr. A. K. Shelke, PSI-Yavat Police Station, Pune (Rural), present.

CORAM: MADHAV J. JAMDAR, J.

DATE: 02.05.2024

P. C.

1. Heard Mr. Gupta, learned Counsel for the Applicant and Ms. Kaushik, learned APP for the Respondent-State.

2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The relevant details are as follows:

1.	C. R. No.	1385 of 2023
2.	Date of registration of F.I.R.	18.10.2023
3.	Name of Police Station	Yavat, Pune (Rural)
4.	Sections invoked	8(c) & 20(b) of the NDPS Act, 1985
5.	Date of incident	18.10.2023
6.	Date of arrest	19.10.2023

3. As per the prosecution case, the Police was in receipt of secret information and accordingly, the Applicant was intercepted while he was on a motor cycle and on searching him, the Police found that he

was in possession of 17.778 Kgs ganja. Therefore, the Applicant was apprehended on 19.10.2023.

4. It is the submission of Mr. Gupta, learned Counsel for the Applicant that what is found in possession of the Applicant is not a commercial quantity. He relied on the decision of the Supreme Court in the case of *Birbal Prasad v. State of Bihar*¹ and submitted that in a similar factual position, the Supreme Court had granted bail to the Appellant therein. He submitted that there are no antecedents. He therefore prayed that the Applicant be released on bail.

5. On the other hand, Ms. Kaushik, learned APP vehemently opposed the Bail Application. She submitted that although the quantity is not commercial, yet it is intermediate quantity. Therefore, she prayed that the Bail Application be rejected.

6. However, it is to be noted that in the case of *Birbal Prasad* (Supra), the quantity involved in that case was of 14 Kgs of Ganja which is not a commercial quantity. As the Appellant therein was not involved in any other case, the Supreme Court granted him bail. In the present case, the Applicant is not involved in any other case. The quantity is not commercial but is intermediate. Therefore, the Applicant can be released on bail by imposing stringent conditions.

7. The trial is unlikely to conclude any time soon and is likely to take a considerably long time.

8. The Applicant does not have any criminal antecedents.

¹ (2018) 11 SCC 488

9. The Applicant does not appear to be at risk of flight.
10. Accordingly, the Applicant can be enlarged on bail by imposing conditions.
11. In view thereof, the following order:

ORDER

(a) The Applicant - Rajendra Dattu Jadhav be released on bail in connection with C. R. No.1385 of 2023 registered with the Yavat Station, District- Pune(Rural) on his P. R. Bond of Rs.25,000/- with one or two local solvent sureties in the like amount.

(b) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.

(c) The Applicant shall report to the Yavat Police Station, District – Pune(Rural) once a week on Sunday between 11.00 a.m. and 1.00 p.m. until the conclusion of the trial.

(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 such a person from disclosing the facts to the Court or to any Police personnel.

(e) The Applicant shall not tamper with the prosecution

evidence and shall not contact or influence the Complainant or any witness in any manner.

(f) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.

(g) The Applicant shall surrender his passport, if any, to the Investigating Officer.

12. The Bail Application is disposed of accordingly.

13. It is clarified that the Trial Court shall decide the case on its merits, uninfluenced by the observations made in this order.

[MADHAV J. JAMDAR, J.]