



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1488 OF 2024

Chetan Deepak Patil

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Rishabh Botadra i/b. Mr. Santosh Pawar, Advocates, for the Applicant.

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

Mr. Sirsath, P.S.I., Indira Nagar Police Station, Nashik, present.

CORAM: MADHAV J. JAMDAR, J.

DATED : 16th APRIL 2024

P. C.:

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

2. The Applicant is seeking regular bail under Section 439 of the *Code of Criminal Procedure, 1973* for the offence punishable under Sections 8(c) and 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 ("NDPS Act") bearing C.R. No.71 of 2024 registered with the Indira Nagar Police Station, District-Nashik.

3. It is the submission of Mr. Botadra, learned Counsel for the Applicant that quantity involved in the offence in question is only 1 kg and 651 grams Ganja. He submitted that the same is not commercial quantity as the commercial quantity is minimum 20 kgs. The quantity which was found with the Applicant is very minimal. He further submitted that there are no criminal antecedents against the Applicant. The Applicant is a student aged 22 years. He submitted that there are 3 co-Accused who have been granted bail by the learned Trial Court.

4. On the other hand, Ms. Kaushik, learned APP for the Respondent-State strongly opposed the Bail Application. She submitted that the investigation is still in progress and Charge-sheet is yet to be filed.

5. However, it is to be noted that the quantity of Ganja which was found in the possession of the Applicant is not a commercial quantity. Therefore, rigors of Section 37 of the NDPS Act are not applicable. Apart from that, there are no criminal antecedents against the Applicant.

6. The Applicant is a student aged 22 years.
7. The Applicant does not appear to be at risk of flight.
8. Accordingly, the Applicant can be enlarged on bail by imposing conditions.
9. In view thereof, the following order:-

ORDER

- (a) The Applicant – Chetan Deepak Patil be released on bail in connection with C.R. No.71 of 2024 registered with the Indira Nagar Police Station, District - Nashik on his furnishing P.R. Bond of Rs.50,000/- 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 Indira Nagar Police Station, District - Nashik twice a week on Sunday and Wednesday of every week between 11:00 a.m. and 1:00 p.m. until the filing of the Charge-sheet and thereafter, once a week i.e. 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.

10. The Bail Application is disposed of accordingly.

11. It is clarified that the observations made herein are *prima facie*, and the Trial Court shall decide the case on its merits, uninfluenced by the observations made in this order.

[MADHAV J. JAMDAR, J.]