



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

BAIL APPLICATION NO.2214 OF 2023

1. KRISHNA LALA KALE	
2. GAURAV BAPU NILGIRE	..APPLICANTS
VS.	
THE STATE OF MAHARASHTRA	..RESPONDENT

Mr. Om N. Latpate i/b Mr.Prasad Avhad, for the applicants.
Mr. S. A. Karmakar, APP for the State.
PSI- Mr.Keshav Randive, Sangli City police station pResent.

CORAM : M. S. KARNIK, J.

DATE : MARCH 4, 2024

P.C. :

1. Heard learned counsel for the applicantS and learned APP for the State.
2. This is an application for bail in respect of the offence punishable under Sections 8(c), 20(b), 20(b)(ii) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereafter 'the NDPS Act' for short) registered on 02/12/2022 vide C.R. No.771 of 2022 with Sangli City Police Station.
3. The applicants are the accused nos.1 & 2. The

applicants were arrested on 02/12/2022.

4. The contraband is ganja. 5 persons were travelling in a car. 4 accused are arrested and 1 is absconding. Total quantity found in the car is 1.97 kg. The applicants are in custody for 15 months. The charge has not been framed. The applicants were found in possession of intermediate quantity of contraband. The bar under section 37 of NDPS will not apply in the present case. There is an affidavit filed by the State opposing the application for bail. There is a criminal antecedent reported against the applicant- Krishna Lala Kale vide C.R. No. 104 of 2021 registered at Baramati City Police Station, Pune under section 8(c), 20(b), 2(b) of NDPS Act. The criminal antecedent need not be a factor to deprive bail to the applicant.

5. In the facts of the present case, I am inclined to enlarge the applicants on bail though learned APP opposed the application. The investigation is complete. The charge-sheet has been filed. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant-Krishna Lala Kale and Gaurav Bapu Nilgire in connection with C.R. No. 771 of 2022 registered with Sangli City Police Station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- each with one or more sureties in the like amount.

(c) The applicants are permitted to furnish cash bail surety in the sum of Rs. 25,000/- each for a period of 8 weeks in lieu of surety.

(d) The applicants shall attend the Investigating Officer of Sangli City police station once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.

(e) The applicants 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 him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(f) On being released on bail, the applicants shall furnish their contact numbers and residential addresses to the Investigating Officer and shall keep him updated, in case there is any change.

(g) The applicants shall attend the trial regularly.

(h) The applicants shall surrender his passport to the investigating officer. If the applicants do not have passport,

they shall file the affidavit to that effect.

4. The application is disposed of.

(M. S. KARNIK, J.)