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

BAIL APPLICATION NO.3922 OF 2023

SACHIN DAYARAM BORSE

..APPLICANT

VS.

1. UNION OF INDIA

2. THE STATE OF MAHARASHTRA

..RESPONDENTS

Adv. Vinod S. Chate a/w Adv. Kalpana V. Chate a/w Adv. Sumitkumar Nimbalkar i/b. Chate and Associates for the applicant.

Adv. Jai Vohra i/b. Adv. Amit Munde for respondent No.1.

Ms. S. D. Shinde, APP for the State-respondent No.2.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 2, 2024

P.C. :

1. Heard learned counsel for the applicant, learned counsel for respondent No.1 and learned APP for the State.

2. This is a second application for bail in respect of the offence punishable under Sections 8(c), 22(c), 23(c), 28 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereafter 'NDPS Act' for short) registered on 15.12.2021 vide C.R. bearing F.No.APSC/CUS/50/CC/246/2021-22 with APSC (Customs), Mumbai.

3. My attention is invited to the order dated 31.01.2023 passed by the trial Court enlarging the co-accused – Deep

Atulkumar Maheta on bail. Even the other co-accused No.2 Jignesh Patel has been enlarged on bail by the trial Court. No doubt the earlier bail application was withdrawn by the applicant on 25.08.2023 when liberty was granted to apply after three months. It is the submission of learned counsel for the applicant that the role of the present applicant is much lesser than the co-accused who have been enlarged on bail by the trial Court. In such view of the matter, learned counsel for the applicant submits that considering that the trial is not likely to conclude soon and as the co-accused have been enlarged on bail, the applicant would like to apply for bail before the trial Court.

4. Liberty to file such application. If such a bail application is filed, the same may be decided by the trial Court expeditiously without being influenced by the order dated 25.08.2023 of this Court, on its own merits and in accordance with law and upon considering the submission of the learned counsel for the applicant that the co-accused who are enlarged on bail have much greater role than the present applicant.

5. I have not considered the present application on merits in view of the stand of the applicant.

6. The present bail application is allowed to be withdrawn with liberty as prayed for and disposed of accordingly.

(M. S. KARNIK, J.)