

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 807 OF 2024**

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|----|--------------------------|----------------|
| 1. | Brahmdev Jugdar | |
| 2. | Chetan B. Shinde | ...Applicants |
| | Versus | |
| 1. | The State of Maharashtra | |
| 2. | Union of India | ...Respondents |

Ms Anjali Patil a/w. Mr. Tohid Shaikh for the Applicants.

Mr. N.B. Patil, APP for the Respondent/State.

Mr. Rushikesh Munde a/w. Mr. Tejas Bhattacharya for
respondent No.2/UOI-Customs.

CORAM : N. R. BORKAR, J.
DATE : 08.08.2024.

PC:-

1. This is an application under Section 439 of Code of Criminal Procedure, 1973 for bail.

2. The applicants came to be arrested in Crime No.02 of 2020 registered by Narcotic Cell, Customs, Pune for the offences punishable under Sections 8(c), 20(b)(ii) C, 25 and 29(1) of Narcotic Drugs and Psychotropic Substances Act, (NDPS Act).

3. The learned counsel for the applicants has drawn my attention to the order passed by this Court dated 30.03.2023 in Bail Application No. 2628 of 2022 filed by the present applicants. The said order reads thus:

"1. Considering the fact that the applicants are in jail for more than two years and as there are no other

criminal antecedents, the trial Court shall endeavour to conclude the trial, as early as possible. In case, the trial is not concluded within a period of six months from the date of receipt of copy of this order, the applicants are at liberty to file fresh application for bail.

2. The Bail Application is disposed of in the aforesaid terms."

4. Learned counsel for the applicants submits that the trial is at very initial stage and not likely to be concluded in near future. It is submitted that the applicants are in jail for more than four years and there are no other criminal antecedents. It is submitted that even otherwise the applicants, who were driver and cleaner were not aware that they were transporting the alleged contraband. It is submitted that owners of alleged contraband are released on bail.

5. On the other hand, learned counsel for the respondent/Customs submits that the applicants are involved in serious crime. It is submitted that commercial quantity of ganja and charas was found in possession of the applicants. It is submitted that the trial has already commenced and therefore, the applicants may not be released on bail.

6. It is not disputed that the applicants are in jail for more than four years and there are no other criminal antecedents. It is also not disputed that the owners of alleged contraband are on bail. In that view of the matter, I am inclined to release the applicants on bail. Hence, the following order is passed:

ORDER

- a. The Application is allowed.
- b. The applicants be released on bail in in Crime No.02 of 2020 registered by the Narcotic Cell, Customs, Pune for the offences punishable under Sections 8(c), 20(b)(ii) C, 25 and 29(1) of Narcotic Drugs and Psychotropic Substances Act on furnishing P.R.Bond in the sum of Rs.25,000/- each with one or two sureties in the like amount.
- c. The applicants shall attend the Office of Narcotic Cell, Customs Pune once in a month, i.e., on first Friday between 11.00 a.m. to 2.00 p.m. till conclusion of the trial.

(N.R. BORKAR, J.)