

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

**CRIMINAL BAIL APPLICATION NO. 1421 OF 2024**

Mukesh Girdhariram Bisnoi ...Applicant

Versus

The State of Maharashtra ...Respondent

....

Mr. Ratnishshobhnath Dubey a/w Ms. Bhagyashri Roundal, Advocate  
for the Applicant.

Mrs. Geeta Mulekar, APP for the Respondent – State.

PSI, S.R. Jaybhaye, Mahalunge MIDC Police Station, Pimpri-  
Chinchwad, present.

....

**CORAM : ANIL S. KILOR, J.**

**DATE : 3<sup>rd</sup> JULY, 2024.**

**P.C.:**

1. Heard.

2. By this application under Section 439 of the Code of Criminal Procedure, the applicant is seeking bail in Crime No.511 of 2023, registered with Mahalunge MIDC Police Station, District: Pimpri-Chinchwad for the offences punishable under Sections 8(c), 15(c), 29 of Narcotics Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), Sections 420, 285, 188 r/w 34 of Indian Penal Code (for short 'IPC'), Sections 3, 7 of Essential Commodities Act, 1955 and Sections 3, 4, 5, 6, 7 of Liquefied

Petroleum Gas (Regulation of Supply and Distribution) Order, 2000.

3. In the present matter, after going through the charge-sheet, it is evident that against the Applicant except the allegation that the Applicant was present in the godown from where the contraband were recovered and seized, nothing is there to show in what capacity the Applicant was present in the godown, how he is said to be involved in the alleged offence, etc.

4. According to the Applicant, he is a relative of a person who has taken the godown on rent and as a visitor, he went there and as such he was present at the time of raid.

5. In the present matter, nothing has been pointed out from the charge-sheet how the Applicant is connected or related with the alleged offence. Mere fact of presence of the Applicant in the godown when the raid was conducted, not sufficient to hold *prima facie* that the Applicant is involved in the alleged offence, particularly, when the contraband was not seized from the Applicant.

6. In the circumstances, there is a reasonable ground to believe that the Applicant is not guilty of the alleged offence.

Moreover, there are no antecedents against the Applicant. Hence, it can be said that there is no possibility, if the Applicant is released on bail, he will commit the similar offence. Accordingly, the application is allowed.

**ORDER**

- i. Criminal Bail Application No.1421 of 2024 is allowed;
- ii. It is directed that the Applicant shall be released on bail in Crime No.511 of 2023, registered with Mahalunge MIDC Police Station, District: Pimpri-Chinchwad for the offences punishable under Sections 8(c), 15(c), 29 of Narcotics Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), Sections 420, 285, 188 r/w 34 of Indian Penal Code (for short 'IPC'), Sections 3, 7 of Essential Commodities Act, 1955 and Sections 3, 4, 5, 6, 7 of Liquefied Petroleum Gas (Regulation of Supply and Distribution) Order, 2000, on furnishing P.R. Bond of Rupees Twenty Five Thousand with one solvent surety in the like amount;
- iii. The Applicant shall attend the Police Station on 1st day of each month between 12:00 noon to 2:00 p.m till conclusion of trial;
- iv. The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with

the facts of the case, as also not tamper with the evidence;

**v.** Liberty is granted to the State for cancellation of bail if the Applicant commits similar offence;

**vi.** The Applicant shall attend the trial before the Trial Court regularly on every date unless exempted by the Trial Court for any reason.

**vii.** Application stands disposed off, accordingly.

**(ANIL S. KILOR, J.)**