

4. It is alleged that the contraband was ordered through Mobile App namely Dunzo and delivery boy handed over the delivery of contraband to the applicant. Whereas, it is the case of the applicant that it was booked by his girlfriend Ms. Kanchan Katrele and the applicant has been falsely implicated. It is submitted that his girlfriend who booked the order of contraband on the above referred App, has not been made accused in the present offence.

5. It is further evident that the accused nos. 1 and 2 were released by the Sessions Court on bail and this Court has granted bail to the accused no. 5, Omkar Patil in Criminal Bail Application No. 3137 of 2024. However, the said bail was not granted on merit but on different grounds.

6. In the circumstances, it is evident that nothing is recovered from the applicant but he has been impleaded as accused on a statement of co-accused.

7 On the other hand, Shri Gaikwad, the learned APP is strongly opposing the application and points out that there is sufficient material against the applicant and accordingly, he prays for rejection of the bail.

8. There is no other evidence pointed out by the prosecution to prima facie show the complicity of the applicant in the alleged offence. Thus, there is a reasonable ground to believe that the applicant is not guilty of the alleged offence and further as there are no antecedents against the applicant there is no possibility that he would commit the similar offence.

9. In the circumstances, I pass the following order:

ORDER

- i) Criminal application is allowed;
- ii) It is directed that the applicant shall be released on bail in Crime No.119 of 2023, registered with Kothrud Police Station, Pune, for the offences punishable under Sections 8(c), 22(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, 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 10.00a.m. to 11.00 a.m., for another four months;
- v) 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;
- vi) Liberty is granted to the State to apply for cancellation of bail in case of the applicant commits similar offence;
- vii) The applicant shall attend the trial before the trial Court regularly on every date unless exemption is granted by the trial Court.

10. The application is disposed of .

(ANIL S. KILOR, J)