

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

CRIMINAL BAIL APPLICATION NO. 2315 OF 2024

Kailash Joraram Bishnoi

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. Ratnish Shobhnath Dubey and Bhagyashir Prakash Roundal, for
Applicant.

Mr. S. S. Chaudhari, APP for State-Respondent.

Mr. D. S. Jadhav, PSI, Present.

CORAM:- ANIL S. KILOR, J.

DATED:- 3rd SEPTEMBER, 2024

PC:-

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, Pune, for the offences punishable under Sections 420, 285 and 188 read with Section 34, Sections 8(c), 15(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, Sections 3 and 7 of the Essential Commodities Act and Sections 3, 4, 5, 6 and 7 of The Liquified Petroleum Gas(Regulation of Supply & Distribution) order, 2000.

3) The owner of the godown from where the commercial quantity of contraband was recovered, was released by the trial Court i.e. accused No. 5. Whereas, accused No. 3 and Accused No. 1 were released by this Court. As far as the present applicant is concerned, admittedly the godown from above contraband was recovered was not owned by him and prima facie there is doubt about conscious possession by the applicant.

4) In the circumstances, there is reasonable ground to believe that the applicant is not involved in the present offence. Furthermore, as there are no antecedents against the applicant. There is no possibility that if the applicant is released on bail, he may commit the similar offence.

5) In the circumstances, though the learned APP is strongly opposing the application, the application is allowed.

ORDER

- i. The Bail Application 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, Pune, for the offences punishable under Sections 420, 285 and 188 read with Section 34, Sections 8(c), 15(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, Sections 3 and 7 of the Essential Commodities Act and Sections 3, 4, 5, 6 and 7 of The Liquified Petroleum Gas(Regulation of Supply & Distribution) order, 2000, on furnishing PR. Bond of Rs.25,000/- (Rupees Twenty Five Thousand) with one solvent surety in the like amount;

- iii. The applicant shall attend the said Police Station on 1st and 16th day of every month between 10.00 am and 11.00 am till the conclusion of the trial except on the date 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 to apply cancellation of bail if there is breach of any condition or misuse of liberty or 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 of, accordingly.

[ANIL S. KILOR, J.]