IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2979 OF 2024

Rahul Kumar Bhuralalji Sahu ...Applicant

Vs.

The State of Maharashtra ...Respondent

SAYALI DEEPAK UPASANI

Digitally signed by SAYALI DEEPAK UPASANI
Date: 2024.10.09 10:53:37 +0530

Mr. Ratnish Shobhnath Dubey with Ms. Bhagyashri Prakash Roundal, Advocate for Applicant.

Mrs. Veera Shinde, APP for State-Respondent.

Mr. Shivaji Madhukar Dhule, PSI, Present.

CORAM:- ANIL S. KILOR, J.

DATED:- 8th OCTOBER, 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.402 of 2023 registered with Vimantal Police Station, Pune for the offences punishable under Sections 8(c), 17(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3) In the present matter, it is evident from the charge-sheet and the material collected by the Investigating Officer during the investigation that two packets of contraband were recovered from the applicant at the

time of seizure. In one packet, 2 kg.814 grams of 'Afeem' was found. Whereas, from the second packet 2 kg. 705 grams of 'Afeem' was recovered. However, before the Magistrate while making the inventory, it was recorded that in the first packet, 2 kg 778 grams of 'Afeem' was found and in the second packet 2kg 698 grams of 'Afeem' was found. Thus, in the first packet, there is a difference of 87 grams of 'Afeem' and in the second packet, there is a difference of 7 grams of 'Afeem'.

4) No explanation has come forward for the said discrepancy, which creates doubt about the prosecution story as regards the seizure of contraband from the applicant.

5) There are no antecedents of a similar nature or otherwise against the applicant.

6) In the circumstances, since the charge-sheet has been filed and as I have observed that discrepancy in the quantity of contraband at the time of seizure and while preparing inventory before the Magistrate, creates doubt about the prosecution story, I am of the opinion that this is a fit case for grant of bail.

7) In the circumstances, though the learned APP has strongly opposed the application, I pass the following order.

ORDER

(i) The Bail Application is allowed;

(ii) It is directed that the Applicant shall be released on bail in Crime No.402 of 2023 registered with Vimantal Police Station, Pune for the offences punishable under Sections 8(c), 17(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985,

on furnishing P.R. Bond of Rs.25,000/- (Rupees Twenty Five Thousand) with one solvent surety in the like amount;

(iii) The Applicant shall attend said Police Station on 1st day of every month between 10.00 am to 11.00 am till conclusion of 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 for cancellation of bail in case Applicant breaches any of the conditions and/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.

The application is disposed of.

[ANIL S. KILOR, J.]