

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

CRIMINAL BAIL APPLICATION NO. 3114 OF 2024

Babu Singh s/o Juwan Singh

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. Raviraj Paramane with Deva Shinde, Advocate for Applicant.

Ms. G. S. Rao, APP for State-Respondent.

Mr. Rushikesh Murde, SPP with Mr. Tejas Bhattacharya, Shatabdi Netke, Advocate for Respondent (Custom)

CORAM:- ANIL S. KILOR, J.

DATED:- 20th DECEMBER, 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. 01 of 2019 registered with Customs Police Station, Dist.- Pune for the offences punishable under Sections 8(c), 20(b)(ii)(c) and 29(1) Narcotic Drugs and Psychotropic Substances Act, 1985.
- 3) Having gone through the charge-sheet and relevant material collected by the Investigating Officer during the investigation, it is evident that the applicant is in jail from 10th January, 2019 i.e. last

about five years and in the meantime, there is no progress in trial and even the charge is not yet framed.

4) The learned Counsel for the respondent however while opposing the application submits that because the applicant moved an application for grant of bail, the trial was delayed. This argument cannot be accepted for the reason that the application for grant of bail can be decided on the same day or within a week's time.

5) Recently, the Hon'ble Supreme Court of India in the case of Siddhant @ Sidharth Balu Taktode Vs. State of Maharashtra and Another, (arising out of SLP (Crl.) No. 12939 of 2024) has expressed anguish seeing the present scenario, wherein the accused are in jail for years together and the trial not commenced. Thus, considering the right under Article 21 of the Constitution of India, I am of the opinion that the applicant is entitled for grant of bail.

6) The learned Counsel for the respondent however at this stage pointed out that the applicant is a resident of Rajasthan and if he is released on bail, he may not be available for trial and furthermore since the offence is serious, there is every likelihood that he may abscond.

7) The learned Counsel for the applicant thereupon, makes a statement after taking instructions from his client that the applicant is ready to abide by any condition including to attend the Police Station once in a week and to give local surety.

8) Accordingly, 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. 01 of 2019 registered with Customs Police Station,

Dist.- Pune for the offences punishable under Sections 8(c), 20(b)(ii)(c) and 29(1) Narcotic Drugs and Psychotropic Substances Act, 1985, on furnishing P.R. Bond of Rs.25,000/- (Rupees Twenty Five Thousand) with one local surety in the like amount;

iii The applicant shall attend the said Police Station on every Saturday between 10.00 am to 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 the applicant breaches any condition of the bail;

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.]