

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.3295 OF 2024

Vinayak Ramchandra Phadatare ... Applicant

V/s.

The State of Maharashtra ... Respondent

Mr. Gite with Rohit G, Sushant Tare and Hiten Raut, for the applicant.

Ms. Veera Shinde, APP, for the Respondent / State.

CORAM : ANIL S. KILOR, J.

DATE : 8TH OCTOBER, 2024.

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1. Heard.

2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.302 of 2024, registered with Yevat Police Station, Pune Gramin, for the offences punishable under Sections 20(a) (b) (1) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS, Act)

3. There are no antecedents against the applicant and 28 plants of Ganja were recovered and seized from the applicant. In inventory weight was shown as 2kg and 511gms whereas, at the time of seizure it was shown as 5kg and 577 gms. No explanation is offered for such major discrepancies in quantity.

4. Thus considering the above referred fact, though the learned APP is strongly opposing the application, I am of the opinion that as there are no antecedents against the applicant and as the applicant is 75 years of age, the application needs to be allowed. Accordingly, 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.302 of 2024, registered with Yevat Police Station, Pune Gramin, for the offences punishable under Sections 20(a) (b) (1) 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 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 for cancellation of bail in case of any breach of condition if 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.

5. The application is disposed of .

(ANIL S. KILOR, J)