

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 3323 OF 2024

Sunnydeval Bhagwandas Bharti ... Applicant

V/s.

The State of Maharashtra ... Respondent

Mr Shailesh Kharat with Ashwet Bhoir, for the applicant.

Mr. PH. Gaikwad, APP, for the Respondent / State.

API, K.S. Kuthe, Mahalunge MIDC Police Station, Pimpri Chinchwad,
Present.

CORAM : ANIL S. KILOR, J.

DATE : 26TH NOVEMBER, 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.26 of 2024, registered with Mahalunge MIDC Police Station, Pune for the offences punishable under Sections 8(c), 20(b)(ii)(c), and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. The inventory prepared before the learned Magistrate shows that the recovery made from the applicant was of Ganja 7 kg. 696 gms. It further shows that the said weight of the contraband was including leaves, branches and seeds. If the definition of Ganja is

considered, prima facie, it is doubtful whether the contraband recovered from the applicant was the Ganja and what was the actual weight of the same. If the Ganja recovered from the applicant is considered, it is of intermediate quantity. Furthermore, if the Ganja recovered from the co-accused i.e. 11kg and 300gms is also considered and added the quantity remains intermediate. There are no antecedents against the applicant.

4. Thus, considering the above-referred fact and further the fact that the applicant is in jail from about 11 months and since the charge-sheet has been filed, I am of the opinion that further custody of the applicant is not necessary.

5. 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.26 of 2024, registered with Mahalunge MIDC Police Station, Pune for the offences punishable under Sections 8(c), 20(b)(ii)(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 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;

iv) Liberty is granted to the State to apply for cancellation of bail if the applicant commits similar offence under the provisions of NDPS;

v) The applicant shall attend the trial before the trial Court regularly on every date unless exemption is granted by the trial Court.

6. The application is disposed of .

(ANIL S. KILOR, J)