

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.3353 OF 2024

Raja @ Bhushan Ganpat More, Age 36 years,
R/o.Flat No.4, Shivdarshan Apartments,
Aashalepada, Ulhasnagar-4, Thane.
Also r/o.Flat No.902, C-Wing,
Neelkanth Srushti Complex, Kalyan.
(Presently at Nashik Road Central Prison)

Applicant

versus

The State of Maharashtra

Respondent

Mr.Ayaz Khan, Advocate for Applicant.

Mr.PPDeokar, APP, for State.

CORAM : ANIL S.KILOR, J.

DATE : 6th 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.425 of 2023 registered with Nashik Road Police Station, District Nashik, for the offences punishable under Sections 8(c), 22©, 25, 27(A), 29 of the Prevention of Narcotics Drugs and Psychotropic Substances Act, 1985.
3. Having gone through the charge sheet and the material collected by the Investigating Officer during investigation, it is clear that no contraband was recovered from the applicant, but he came to be implicated in the offence on the basis of statement of co-accused

i.e. Accused no.5. Except the statement of accused no.5, no material is pointed out to show the complicity of applicant in the alleged offence. In the circumstances though there are two antecedents against the Applicant, bail can not be denied on the said ground.

4. In the circumstances despite the learned APP strongly opposed the present application, I am of the opinion that in absence of prima facie evidence against the Applicant about his complicity in the offence, this is a fit case for grant of bail. Hence, I pass following order :

ORDER

- (i) Bail Application is allowed and disposed off;
- (ii) It is directed that the applicant shall be released on bail in Crime No.425 of 2023 registered with Nashik Road Police Station, District Nashik, for the offences punishable under Sections 8(c), 22©, 25, 27(A), 29 of the Prevention of Narcotics 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 attend Nashik Road Police Station, District Nashik, on 1st and 16th of every month between 10.00 a.m and 11.00 a.m 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 if the applicant breaches any condition or misuses the liberty or 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.

(ANIL S.KILOR, J.)

MST