

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

ANTICIPATORY BAIL APPLICATION NO. 1533 OF 2024

Vishal Pramod Sonavane @ Mosquito

Aged 28 years, Occ.:

R/at. 404, A Wing, Om Tushar
Apartment, Belapur RD, Vitawa,
Kalwa Thane 400 605.

..Applicant

Vs.

The State of Maharashtra

(At the instance of Rabale Police Station

Navi Mumbai vide their C.R. No.396

of 2023)

..Respondent

Mr. Subir Sarkar a/w. Amandeep Singh Sra i/b. Nidhi Sharma, for
the Applicant.

Ms. Mahalaxmi Ganapathy, APP for the Respondent – State.
API Hemraj Sathe, Rabale MIDC Police Station present.

CORAM : R. N. LADDHA, J.

DATE : 25 JUNE 2024

P.C.

. The applicant apprehends arrest in C.R. No.396 of 2023, registered at Rabale MIDC Police Station, Navi Mumbai, for the offences punishable under Sections 8(c), 21(b) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('the Act', for short). By this application, he seeks pre-arrest bail.

2. It is the case of the prosecution that the co-accused Deepak Karandekar and Gautam were apprehended with 5 and 4 gms Mephedrone (MD), respectively. The allegations against the applicant stem from co-accused's statement; where they disclosed that the applicant was the person from whom they purchased the alleged contraband material.

3. Mr Subir Sarkar, learned counsel for the applicant, submits that the quantities of 5 and 4 gms MD cannot be considered as commercial quantities; they fall into intermediate range. Consequently, the rigour of Section 37 of the Act do not apply in this case. There is no material on record to implicate the applicant or connect him to the matter, except the statement made by the co-accused, which is not admissible. The applicant has no criminal antecedents. The co-accused have already been released on bail. To support his argument, the learned counsel relies upon *Seesh Singh @ Mor Vs. State of Punjab*¹.

4. On the other hand Ms Mahalaxmi Ganapathy, learned Additional Public Prosecutor representing the State, contends that the offence is of a serious nature. The co-accused were apprehended with 5 and 4 gms MD, which falls within the intermediate quantity range.

1 (Criminal Appeal No.822/2020) SC

5. Upon perusing the records, it transpires that the present case relies solely on the co-accused's statement to implicate the applicant. However, there is no other material connecting the applicant to the alleged crime. The applicant has no criminal antecedents. The co-accused, who were apprehended with contraband articles, were already released on bail. Given these circumstances, the Court is inclined to grant the present application in the following terms:

ORDER

- (i) In the event, the applicant is arrested in connection with C.R. No.396 of 2023, registered at Rabale Police Station, Navi Mumbai, he be released on bail, on furnishing a P.R. Bond of Rs.25,000/- with one or more sureties in the like amount;
- (ii) The applicant shall report to the concerned police station for a period of three days i.e. 27 , 28 , and 29 June 2024 between 11.00 a.m. to 2.00 p.m. and thereafter as and when required by the investigating officer.
- (iii) The applicant shall not, himself or through any other person, indulge in any activity that would tamper with the evidence or influence the witnesses.
- (iv) The applicant shall keep the investigating officer informed of his current address and contact number and / or change of residence or mobile details, if any,

from time to time.

6. The application stands allowed in the aforestated terms.

R. N. LADDHA, J.