



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 342 OF 2025

Popat Onkar Bagul
Age: 35 years, Occu.: Agricultural Labour,
R/o. : Raikot, Dist.Dhule.Applicant

Versus

The State of Maharashtra
Through it's Police Inspector,
Pmpalner Police Station,
Ta.Sakri, Dist.DhuleRespondent

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Advocate for Applicant : Mr.N.L.Chaudhari (through VC)
APP for Respondent : Mr. S.B.Narwade

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 17 MARCH, 2025

PRONOUNCED ON : 19 MARCH, 2025

ORDER :

1. Instant application is for grant of regular bail on account of arrest of applicant in crime no.0260 of 2024 registered at Pimpalner Police Station, Dist.Dhule for offence under Sections 8(c), 20(b), 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act (NDPS Act).

2. Pointing to the date of arrest of applicant as 05-10-2024, it is submitted that now investigation is over and chargesheet is also filed

on 29-01-2025. He further pointed out that applicant is falsely implicated. That, he was mere a labour, who was engaged for agricultural activity. That, Police machinery claim to have seized contraband i.e. Ganja from Tractor parked in the field, which apparently does not stand in the name of present applicant. Learned counsel took this Court through the statements of witnesses, more particularly, Sandip Keshav Shinde, Popat Sukdeo Patil and Akash Sanjay Chaudhari and pointed out that all these witnesses speak that present applicant works as agricultural labour and as such allegation of he possessing contraband does not arise. Moreover, according to him, now investigation is over and chargesheet is also filed. Therefore, no purpose would be achieved by continued detention of the applicant. Learned counsel submits that applicant will abide by all or any condition imposed by this Court. For above reasons, learned counsel seeks grant of bail.

3. Learned APP objected application on the ground that huge commercial quantity of Ganja has been seized and seized material has been sent for analysis. That, main accused is still absconding. Therefore, learned APP opposes the application.

4. After hearing both the sides and on going through the papers, it is emerging that report is lodged by Police Head Constable at Pimpalner Police Station on 05-10-2024 and substance of the FIR is that on 04-10-2024 on getting secret information, and after informing Superiors, a team of Police Officers was formed and a Gazetter Officer was summoned. Then, after arrival of Gazetted Officer, team proceeded towards field of Mohan Devchand Sable located in Desh Shirvade Shivar. It is alleged that on reaching the said spot, they came across a Tractor and therefore, search was conducted and it is found that the Tractor with Trolley was carrying yellow, pink and blue plastic sacks containing Ganja worth Rs.1,19,23,920 and as such crime has been registered against Mohan Devchand Sable and present applicant i.e. Popat Onkar Bagul.

5. Learned counsel would strenuously submit that statements of witnesses referred above are indicating present applicant to be just an agricultural labour. That, they are immediate neighbours of applicant and the statements do not show that present applicant is involved in the cultivation of Ganja. Therefore, such statements are visited.

On visiting the statements of Sandip Keshav Shinde, Popat

Sukdeo Patil and Akash Sanjay Chaudhari, as pointed out, it appears that they all named field to be standing in the name of Savita Mohan Sable and Mohan Devchand Sable and present applicant to be employed therein for agricultural work. Precisely, taking the same into account and considering the fact that applicant is behind bars since October, 2024, though main accused is still at large, relief as prayed deserves to be granted. Hence, the following order :

ORDER

- (i) Application is allowed.
- (ii) Applicant Popat Onkar Bagul be released on bail in connection with Crime no.0260 of 2024 registered with Pimpalner Police Station, Dist.Dhule on executing Personal Bond of Rs.15,000/- with one surety in the like amount.
- (iii) Applicant shall not tamper prosecution evidence.
- (iv) Applicant shall not leave jurisdiction of concerned Police Station till conclusion of trial, except for attending the dates before the trial Court.

(ABHAY S. WAGHWASE)
JUDGE