



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 407 OF 2025

Saysing Barkat Barela,
Age : 36 years, Occu. : Labour,
R/o. Uriyapani, Tq. Varla,
District : Badwani (M.P.)

At present R/o. Vishnapur,
Tq. Chopada, Dist. Jalgaon.

... Applicant.

Versus

1. The State of Maharashtra,
Through Superintendent of Police,
Jalgaon, Tq. & Dist. Jalgaon.

2. The Investigation Officer of
Adavad Police Station, Adavad,
Tq. Chopada, District Jalgaon.

... Respondents.

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Mr. Jitendra V. Patil, Advocate for Applicant.
Mr. N. D. Batule, APP for Respondents – State.

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 23 APRIL 2025

PRONOUNCED ON : 24 APRIL 2025

ORDER :

1. Present application is for grant of regular bail on account of arrest of applicant in Crime No.0127 of 2024 registered at Adawad Police Station, District Jalgaon for offence punishable under sections 8, 20 and 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. It is submitted that, applicant is arrested in above crime in July 2024 and since almost 10 months he is behind bars. That, he is arrested on allegation that 66 kg of contraband was found in the tin shed. However, according to learned counsel, the shed/premises does not belong to him nor it is in his possession. It is over the land cultivated by one Shiva Pawara. That, the tin shed is owned by two ladies. Applicant has no concerned. Even otherwise now investigation is over. That, charge sheet is filed. That, no further recovery or discovery is to be made. That, necessary samples are already drawn. That, inventory has been drawn and therefore, when no further purpose would be achieved by continued detention and there being no immediate prospects of matter going for trial and as applicant is ready to abide any conditions deemed fit by this court, he urges for grant of bail.

3. Learned APP opposed on the ground that, huge quantity of contraband has been seized. According to learned APP, four more accused are yet to be apprehended. However, he submitted that, though inventory is already drawn, he apprehends misuse of liberty and again indulgence in similar crime.

4. Heard. Perused the papers. FIR dated 27.07.2024 is at the instance of police personnel. He reported that, on secret

information and on passing information to Superiors, raiding party was constituted and they proceeded towards village Vishnapur towards the tin shed. Call was given to present applicant and after intimating him about the raid, search of the shed was undertaken and in plastic bag dried leaves of ganja were found to be stuffed and therefore informant claims that he became sure that it was ganja and hence the crime.

5. Now learned APP has submitted that, there is huge quantity, but he also admitted that inventory is already drawn. Statement is made across the bar that the tin shed does not belong to applicant. Sample is already dispatched to analyzer. On court query, learned APP pointed out that there are no criminal antecedents. Taking the same into consideration, relief as prayed deserves to be granted. Hence, the following order is passed :-

ORDER

- I. The application is allowed.
- II. Applicant Saysing Barkat Barela be released on bail in connection with Crime No.0127 of 2024 registered with Adawad Police Station, District Jalgaon, on executing Personal Bond of Rs. 15,000/- (Rupees Fifteen Thousand only) with one surety in the like amount, on the following conditions:

[a] The applicant shall not tamper prosecution evidence.

[b] The applicant shall not leave the area of jurisdiction of the concerned police station till conclusion of trial.

[c] The applicant shall attend the concerned police station once in every week i.e. on every Monday till committal of case and thereafter, shall regularly attend each and every effective date before the trial court.

(ABHAY S. WAGHWASE, J.)