



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 518 OF 2025

1. Vinod Kalusingh Pawara
Age : 20 years, Occupation Labour,
R/o. Malkhanagar Pada, Taluka Shirpur,
District Dhule.
 2. Ajay Ramesh Pawara
Age : 20 years, Occupation -
R/o. Mahadeo Dondwada, Taluka Shirpur,
District Dhule.
- ... Applicants
[Orig. Accused]
- Versus
- The State of Maharashtra
Through Mohadi Nagar Police Station. ... Respondent

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Mr. Suniket Anil Kulkarni, Advocate for the Applicants.
Mr. S. B. Narwade, APP for Respondent-State.

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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 17.04.2025

Pronounced on : 21.04.2025

ORDER :

1. Applicants are seeking grant of regular bail on account of their arrest in crime no. 359 of 2024 registered at Mohadi Nagar Police Station, District Dhule for offences punishable under Sections 8(c), 20(b), 22, 29 of Narcotic Drugs and Psychotropic Substances Act, 1985.

2. It is submitted that applicants are arrested in above crime on 31.10.2024 and they are behind bars since then. That, there are allegations that they were transporting ganja weighing 14.110 kg. Learned counsel submits that applicants were not aware about such contraband in the bag. The investigation is almost over. Seizure is effected. Vehicle is seized. That, this Court had granted bail in similar circumstances to another applicant and copy of the order dated 10.01.2025 passed in Bail Application No. 2317 of 2024 is also placed on record. That, no further recovery or discovery is to be made and as applicants are ready to abide all conditions, learned counsel urges for grant of bail.

3. Learned APP opposed on the ground that acting on secret information, two motorcycles were seized. That, total 32 kg. contraband was being transported. According to learned APP, vehicle which was used in the offence is owned by present applicants. That, investigation is still in progress. Learned APP also apprehends misuse of liberty.

4. Heard. Perused the papers. FIR dated 30.10.2024 is at the instance of police constable Aaref Pathan, who claims that on secret information, after informing higher authorities, trap was laid after

making necessary preparations. That, two motorcycles were intercepted. Four persons on two motorcycles gave their names as Manoj Patil, Mahesh Andure, Vinod Pawara (present applicant no.1) and Ajay Pawara (present applicant no.2). In search, two polythene bags were seized which were containing ganja like leaves. It was weighed and turned out to be 32.780 kg worth Rs.25,000/-, i.e. in possession of Manoj and Mahesh. Whereas, in possession of present applicants Vinod and Ajay, quantity alleged is 14.110 kg.

5. Now bail is prayed for on the ground that quantity is below commercial quantity and in similar facts and circumstances, this Court has granted bail to another accused of which copy is placed on record. On court query, learned APP submitted that inventory is already drawn. Required samples are also seized and necessary dispatch has been made. On further court query, there are no criminal antecedents. In the light of above, when virtually investigation is over and quantity being less than commercial quantity and further, when vehicle used in the crime being seized along with necessary seizure of contraband, no purpose would be served by further detention of the applicants. Apprehension of misuse of liberty can be taken care of by imposing stringent conditions. Hence, I proceed to pass the following order :

ORDER

- I. The application is allowed.
- II. Applicants be released on bail in connection with Crime No. 359 of 2024 registered at Mohadi Nagar Police Station, District Dhule, on executing Personal Bond of Rs. 15,000/- each with one surety by each in the like amount, on the following conditions:
- [a] The applicants shall not tamper prosecution evidence.
- [b] The applicants shall not leave the area of jurisdiction of the concerned police station till filing of charge sheet.
- [c] The applicants shall attend the concerned police station twice in every week i.e. on every Monday and Thursday between 11.00 a.m. to 02.00 p.m. till filing of charge sheet and thereafter, shall regularly attend each and every effective date before the trial court.

[ABHAY S. WAGHWASE, J.]

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