



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

923 BAIL APPLICATION NO. 998 OF 2025

VISHNU BABA GIRI

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Dhase Rahul P.

APP for Respondent/State: Mr. N. D. Batule

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CORAM : ARUN R. PEDNEKER, J.

DATE : 15.07.2025

P.C. :

1] Heard learned counsel for the applicant and the learned APP for the respondent-State.

2] The applicant is seeking bail as he was arrested on 30.03.2025 in connection with Crime No.0123/2025, dated 29.03.2025, registered with Amalner Police Station, District Jalgaon, for the offences punishable under Sections 8(C), 20(B)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3] The applicant is arrested on 30.03.2025 on the basis of the statement made by the co-accused Manoj and Sitaram that the 56 Kgs. of ganja seized from the co-accused was to be handed over to the present applicant. The learned counsel for the applicant submits that except the statement

of the co-accused, there is no evidence showing involvement of the present applicant or to be the purchaser of the ganja recovered from the co-accused. He submits that the age of the applicant is 65 years. The charge-sheet in the mater is filed. There are no criminal antecedents.

4] Per contra, the learned APP has pointed the supplementary statement of the informant (person in raiding party), wherein he has stated that the statement was made by the co-accused that the ganja was to be delivered to the applicant. On investigation it is found that there has been calls between the applicant and the co-accused Sonawane 103 times in the preceding 29 days. As such, the learned APP submits that the involvement of the applicant can be seen from the calls and that bail be refused to the applicant.

5] Considered the rival submissions. There is no money trail produced or other evidence to show ownership of the contraband. In response to the submissions of the learned APP as regards call records, the learned counsel for the applicant submits that there is civil transaction with the co-accused and his name is wrongly mentioned towards ownership of ganja. No ganja is found in possession of the applicant. He has also submitted that there are no antecedents against the applicant.

6] In this fact situation, the applicant have a arguable case. The trial will take substantial time to conclude. Prima facie, the involvement of the applicant is not seen except in terms of the telephone calls with the co-accused and calls in itself may not prove that the applicant is involved. Thus, bail can be granted to the applicant.

7] In view of the above, the application is allowed in the following terms :

a] The applicant shall be released on bail in connection with Crime No.0123/2025, dated 29.03.2025, registered with Amalner Police Station, District Jalgaon, for the offences punishable under Sections 8(C), 20(B)(ii)(C) of the Narcotic Drugs and Psychotorpic Substances Act, 1985, on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

b] The applicant, upon being released on bail, shall not contact the informant, in any manner whatsoever, during the pendency of the trial.

c] The applicant shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the trial Court.

d] The applicant shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses and other persons concerned with the case.

e] The applicant, upon being released on bail, shall place on record of the trial Court the details of his Contact Number and residential address with updates in case of any change.

8] Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled.

9] It is also clarified that the observations made in this order are limited to the disposal of the present bail application. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

10] The application stands disposed of.

[ARUN R. PEDNEKER]
JUDGE