



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2127 OF 2024

Vijay Sandu Gaikwad
Age: 31 years, Occ : Labour,
R/o. Kumbhefal, Shendra MIDC,
Aurangabad.Applicant

Versus

The State of Maharashtra
Through Police Inspector,
M.I.D.C. Cidco Police Station,
Aurangabad.Respondent

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Advocate for Applicant : Mr. Abhishek C. Deshpande
APP for Respondent : Mr.PK.Lakhotiya

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CORAM : ABHAY S. WAGHWASE, J.

DATE : 20 JANUARY, 2025

ORDER :

1. Present application is for grant of regular bail in consequence to Crime no.398 of 2024 registered at M.I.D.C. Cidco Police Station, Chhatrapati Sambhajinagar (Aurangabad) for offence under Sections 20(b)(ii), 8(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act (NDPS).

2. According to learned counsel, applicant is arrested in above crime on 21-07-2024. That, there are allegations of commission of above offence by possessing 63.822kg *Ganja*. Learned counsel

pointed out that applicant was merely present in the vehicle driven by main accused. That, there was said to be contraband in the vehicle. That said driver, who was driving the vehicle, was given bail and even other accused are set at liberty. Therefore, also on the ground of parity, learned counsel seeks bail.

3. Learned APP, who strongly opposed, would submit that applicant is arrested alongwith other accused, who was in possession of huge quantity of contraband. That, he was said to be present with accused in the vehicle. That offence is serious and hence, relief is opposed.

4. Heard. Perused the papers including FIR dated 21-07-2024 at the instance of one Police Officer and its substance is that on 20-07-2024, on receipt of secret information, raid was conducted and in all two persons namely Vijay Sandu Gaikwad (present applicant) and one Karan Shivaji Jadhav were apprehended while they were travelling in the vehicle bearing registration no.MH20 GC 5815. There are specific allegations that contraband weighing 63.822 kg. were being transported for sale at the instance of seven persons named in the FIR. Statement is made across the bar that other accused, who was behind the wheels, is beneficiary of bail and

even other persons named in the FIR are set at liberty. Admittedly, investigation is over and charge-sheet is said to be filed. Taking into consideration the nature of accusations, role attributed to applicant, coupled with ground of parity, applicant succeeds. Hence, the following order :

ORDER

- (i) Application is allowed.
- (ii) Applicant Vijay Sandu Gaikwad be released on furnishing P.B. and S.B. of Rs.50,000/- (Rs. Fifty Thousand only) with one solvent surety of like amount in connection with Crime no.398 of 2024 for the above offences, on the following condition :-
 - (a) He should not tamper with the prosecution witnesses.

(ABHAY S. WAGHWASE)
JUDGE