

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 3399 OF 2025**

Mangesh Shantaram Kharde ...Applicant
Versus
State Of Maharashtra ...Respondent

Mr. Nadeem Khan a/w Ms. Sadiya Khan, Advocate for the Applicant.
Dr. A. A. Takalkar APP for the State
API B.B. Patil, LCB, Solapur Rural, present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 4th NOVEMBER, 2025.

P.C.

1. By this application, applicant is seeking regular bail in Crime No.382 of 2024 registered with Vairag Police Station, Solapur Rural for the offences punishable under Sections 8(c), 29 and 20(b)(ii) of Narcotic Drugs and Psychotropic Substances, Act, 1985 (For short 'NDPS Act').

2. It is the prosecution's case that on 16th September 2024, on secret information, police apprehended Innova vehicle. In the search of said vehicle, police found co-accused alongwith 62 Kg, 135 gm of Ganja. It is alleged that the applicant was intending to purchase the said Ganja and one of the co-accused had sent photograph of the Ganja to the applicant and applicant was in constant touch with the

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co-accused.

3. It is contention of learned counsel for applicant that there is no recovery at the instance of the applicant. It is alleged that the applicant was intending to purchase Ganja from the co-accused. Applicant is behind bar for 13 months. Investigation is completed and charge-sheet has been filed. Hence, requested to allow the application.

4. It is the contention of learned APP that the applicant has one antecedent under NDPS Act. The co-accused had sent photographs of Ganja on the Whats App of the applicant. There was call between the applicant and co-accused. It shows his conspiracy with the co-accused. The quantity of Ganja seized from the co-accused amounts to commercial quantity. Section 29 of the NDPS Act is applied. Hence, requested to reject the application.

5. I have heard both learned counsels, perused F.I.R. and documents produced on record. Though the applicant has one antecedent, he has been acquitted from the charges levelled against him. It is alleged that the applicant was intending to purchase Ganja from the co-accused, but it was not purchased. To prove criminal conspiracy, trial is required. Applicant is behind bar for 13 months.

6. In view of above, I pass following order:

ORDER

(I) The Application is allowed.

(II) The applicant be enlarged on bail in Crime No.382 of 2024 registered with Vairag Police Station, Solapur Rural on executing P.R.Bond in the sum of Rs.20,000/- with one or two sureties in the like amount.

(III) The applicant shall attend the Court dates regularly.

(IV) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

7. The application is allowed in the aforesaid terms and is accordingly disposed off.

8. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order

9. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)