

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 718 OF 2024

Dinesh Sopan Kale ...Applicant
VERSUS
The State of Maharashtra and Anr. ...Respondents

**WITH
CRIMINAL BAIL APPLICATION NO. 716 OF 2024**

Deepak Shankar Kale ...Applicant
VERSUS
The State of Maharashtra and Anr. ...Respondents

**WITH
CRIMINAL BAIL APPLICATION NO. 717 OF 2024**

Hanumant Sarjerao Kale ...Applicant
VERSUS
The State of Maharashtra and Anr. ...Respondents

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Mr. Mithilesh Mishra a/w Mr. Shrinath Mate, Advocate for the Applicant.

Mr. C. D. Mali, A.P.P. for the Respondent – State.

Mr. Rushikesh Munde Special PP. a/w Ms. Shatabdi N. & Mr. Tajas Bhattacharya, advocate for Respondent No.2.

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CORAM : N. R. BORKAR, J.
DATE : 06.03.2025.

P.C.:

1. As all these three applications for bail are arising out of one and the same crime, they are being disposed of by this common order.

2. The applicants came to be arrested in Crime No. 2 of 2023 registered at Narcotic Cell Customs, Pune, for the offences punishable under Sections 8(c), 20(b)(ii)(B)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. On 28.01.2023 on the basis of secret information, the present applicants were apprehended while they were travelling together by train and they were found in possession of 56.76 kg of Ganja.

4. The learned counsel for the applicants submits that only on the basis of the alleged fact that the applicants were travelling together, it cannot be said that all the applicants were carrying commercial quantity. It is submitted that the applicants are in jail for more than two years and there are no other criminal antecedents against the present applicants.

5. On the other hand, the learned Special PP for the Respondent No.2 submits that the applicants were apprehended while they were travelling together. It is submitted that as the applicants were found in possession of commercial quantity Section 37 of the NDPS Act would attract and unless the conditions mentioned therein are satisfied, the applicants are not entitled to bail.

6. *Prima facie* there appears to be substance in the submission of the learned counsel for the applicant. The applicants are in jail for more than two years and the trial has not commenced. There are no other criminal antecedents. Considering the overall facts and

circumstances, I am inclined to release the applicants on bail. In the result, the following order is passed :

ORDER

A] The Application is allowed.

B] The applicants be released on bail in Crime No. 2 of 2023 registered at Narcotic Cell Customs Department, Pune, for the offences punishable under Sections 8(c), 20(b)(ii)(B)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985, on furnishing P.R Bond in the sum of Rs.25,000/- each (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

C] The applicants shall attend the Office of Narcotic Cell, Customs Pune once in a month i.e., on first Friday between 11:00 am to 2:00 pm, till conclusion of the trial.

D] The applicants shall not commit any other crime.

7. All the applications stand disposed of accordingly.

(N. R. BORKAR, J.)