

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

CRIMINAL BAIL APPLICATION NO. 3726 OF 2024

Yashwant Gena Kale	...Applicant
<u>VERSUS</u>	
The State of Maharashtra and Anr.	...Respondents

**WITH
CRIMINAL BAIL APPLICATION NO. 4737 OF 2024**

Anil Rajendra Andhare	...Applicant
<u>VERSUS</u>	
Vinod Kumar and Anr.	...Respondent

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Mr. Sachin H. Deokar a/w Mr. Vignesh A. & Mr. Suraj Gadkari,
Advocate for the Applicant in BA/3726/2024

Mr. Niranjan Mundargi a/w Ms Keral Mehta i/b Ms. Rekha
Musale for the Applicant in BA/4737/2024.

Mr. S. V. Walve, A.P.P. for the Respondent/State.

Mr. Rushikesh Munde, S.P.P. for the Respondent/Customs.

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CORAM : N. R. BORKAR, J.
DATE : 28.02.2025.

P.C.:

1. As both these 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. 7 of 2022 registered at Narcotic Cell, Pune for the offences punishable under Sections 20(b)(ii)(c), 29 r/w 8(c) of the

Narcotic Drugs and Psychotropic Substances Act.

3. On the basis of secrete information received on 02.12.2022, the present applicants and one more co-accused were apprehended while they travelling from Gunupur to Salse in the State transport bus and were found in possession of 56.94 kg of Ganja.

4. I have heard the learned counsel for the applicants, learned Special P.P. for the respondent/Customs and the learned APP for the respondent/State.

5. The learned counsel for the applicants submits that the applicants have nothing to do with the alleged crime. It is submitted that personal search of the applicants was taken and nothing incriminating was found. It is submitted that the applicants are in jail for more than two years and there are no other antecedents against them.

6. On the other hand, the learned Special P.P for the respondent/Customs submits that there is enough incriminating material against the applicants to connect them with the crime in question. It is further submitted that as the applicants were found in possession of commercial quantity and thus Section 37 of the Narcotic Drugs and Psychotropic Substances Act would attract. It is submitted that the applicants, therefore may not be released on bail.

7. Admittedly, when the applicants were apprehended, they were travelling in public transport bus. In the personal search of the applicants nothing incriminating

was found. The applicants are in jail for more than two years. Considering the overall facts and circumstances and as there are no other criminal antecedents against the applicants, I am inclined to release them on bail. In the result, the following order is passed:

ORDER

A] The Applications are allowed.

B] The applicants be released on bail in Crime No. 7 of 2022 registered at Narcotic Cell, Pune for the offences punishable under Sections 20(b)(ii)(c), 29 r/w 8(c) of the Narcotic Drugs and Psychotropic Substances Act, on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) each with one or two sureties in the like amount.

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

(N. R. BORKAR, J.)