

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3969 OF 2024

Ravindra H. Durgule ...Applicant
V/s.
The State of Maharashtra ...Respondent.

WITH
BAIL APPLICATION NO. 3976 OF 2024

Harshal D. Bora ...Applicant
V/s.
The State of Maharashtra ...Respondent.

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Ms Beerta H. Bajwa for the Applicant in BA/3969/24.
Mr. Taraq Sayed a/w. Ms Ashwini A., Adv. Anish P. for the Applicant
in BA/3976/24
Mr. T.G. Khan, APP for the Respondent/State.

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CORAM : N.R. BORKAR, J.
DATE : 19.03.2025.

P.C. :

1. As both these applications for bail are arising out of one and same crime, they are being disposed of by this common order.
2. The applicants came to be arrested in Crime No.33 of 2024 registered at Swargate Police Station, Pune city for the offences punishable under Sections 8(c), 20(b)(ii) and 29 of the Narcotic Drugs & Psychotropic Substances Act (NDPS Act).
3. On 24.1.2024, the car in which the applicants were travelling was intercepted. The search of the car was taken and 32.792 kg Ganja was found in the said car.

4. I have heard the learned counsel for the applicants and the learned APP for the respondent – State.

5. Learned counsel for the applicants has drawn my attention to the Certificate issued by the Magistrate under Section 52 A of the NDPS Act. It is submitted that according to the said certificate the alleged contraband was produced before the Magistrate on 06.02.2024. It is submitted that apart from delay in producing the alleged contraband before the Magistrate, the certificate bears the date 01.04.2024. The learned counsel for the applicant further submits that the samples bearing the seal of the Magistrate only can be sent for analysis to rule out any tampering with the samples, however, in the present case seal of the police department was used. It is submitted that the applicants are in jail for about 1 years and the trial has not commenced. It is submitted that the applicants are not involved in any other crime of similar nature.

6. On the other hand, learned APP for the respondent/State submits that the commercial quantity of the Ganja was found in the possession of the applicants. It is further submitted that the applicant-Harshal Bora is involved in two more crimes for the offence punishable under the provisions of the Indian Penal Code. It is submitted the considering overall facts and circumstances of the case, the applicants may not be released on bail.

7. *Prima-facie*, there appears to be substance in the submission

of the learned counsel for the applicants. 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 Applications are allowed.

B] The applicant - Ravindra H. Durgule and the applicant - Harshal D. Bora be released on bail in C.R. No. 33 of 2024 registered at Swargate Police Station, Pune city for the offences punishable under Sections 8(c), 20(b)(ii) and 29 of the Narcotic Drugs & 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 concerned police station once in a month , i.e., on first Saturday between 11.00 a.m. to 2.00 p.m. till conclusion of the trial.

C] The applicants shall not commit any other crime.

[N.R.BORKAR, J.]