

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 4328 OF 2024

Dinanath @ Tuntun Ragnath Chouhan .. Applicant

Versus

The State Of Maharashtra .. Respondent

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- Ms. Munira Palanpurwala a/w Ms. Sumaiya Khan, Ms. Deepa Amati and Ms. Kainat Sayyed, Advocates for Applicant.
- Ms. Mahalakshmi Ganapathy, APP for State(through VC).

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CORAM : MILIND N. JADHAV, J.

DATE : MARCH 07, 2025

P. C.:

1. Heard Ms. Palanpurwala, learned Advocate for Applicant and Ms. Ganapathy, learned APP for State.

2. Applicant - accused has filed the present Application for regular bail in connection NDPS Spl. Cse No.709 of 2021 in Crime No. 709 of 2021 registered with DCB CID Unit 11 for offences punishable under Sections 8(c) r/w 22(c) and 29 of the NDPS Act¹.

3. After hearing Ms. Palanpurwala, learned Advocate for Applicant and Ms. Ganapathy, learned APP for State on 26.02.2025, following order was passed:

“1. Heard Ms. Palanpurwala, learned Advocate for Applicant and Ms. Ganapathy, learned APP for Respondent – State.

¹ Narcotic Drugs and Psychotropic Substances Act, 1985

2. Applicant is incarcerated for 4 years and 2 and ½ months for being apprehended in possession of 100 grams of the alleged contraband MD being commercial quantity.
3. In the present case, trial has commenced. There are two orders appended in the Application one of October, 2023 and second of January, 2024 directing expediting the trial.
4. Ms. Palanpurwala, learned Advocate for Applicant would submit that there is no certainty that the trial would be completed in the near foreseeable future. She would persuade the Court to consider the Application of the Applicant on the prima facie merits of non-compliance of the provisions of Sections 50 and 52A of the NDPS Act as also incarceration of the Applicant for 4 years and 2 and ½ months. He would submit that Applicant has no antecedents.
5. In view of the aforesaid submissions, prosecution shall take appropriate instructions from the concerned Investigating Officer and apprise the Court on the next adjourned date.
6. I propose to hear the present Application on the next adjourned date in view of the long incarceration of Applicant. Place the Bail Application on Board on **05th March, 2025**. To be listed on the **'Supplementary Board'.**

4. Today, when the matter is called out, Ms. Ganapathy, learned APP appearing through VC would submit that prosecution desires to examine 3 more witnesses namely the Investigating Officer and two other pancha witnesses in the matter during the trial. She would submit that 10 witnesses have already been examined until now. The only reason which impels me to consider the case of the Applicant for grant of bail is his long incarceration of 4 years and 3 months in custody. Considering the fact that trial is underway, without delineating into the merits of the matter I am inclined to consider the Application of the Applicant.

5. Ms. Palanpurwala, learned Advocate for Applicant would inform the Court that matter has been listed today before the Trial Court but the presiding Officer is not available today. Hence, she would persuade

the Court to consider the Application and grant bail in view of the aforementioned facts.

6. In view of the above *prima facie* observations and on the ground of long incarceration Applicant of 4 years and 3 months he is released on bail on the following terms and conditions:-

(i) Applicant is directed to be released on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount;

(ii) Applicant shall report to the Investigating Officer of concerned Police Station once every month on the third Saturday between 10:00 am to 12:00 pm for the first three months and thereafter as and when called;

(iii) Applicant shall co-operate with the conduct of trial and attend the Trial Court on all dates unless specifically exempted and will not take any unnecessary adjournments, if he does so, it will entitle the prosecution to apply for cancellation of this order;

(iv) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court;

(v) Applicant shall not influence with any of the witnesses or tamper with the evidence in any manner;

(vi) Applicant shall keep the Investigating Officer informed of his current address and mobile contact number and / or change of residence or mobile details, if any, from time to time;

(vii) Any infraction of the above conditions shall entail cancellation of this order.

7. It is clarified that the observations in this order are limited for the purpose of granting Bail only and I have not made any observations on merits of the case.

8. Bail Application is allowed and disposed.

[MILIND N. JADHAV, J.]