

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

CRIMINAL BAIL APPLICATION NO. 4427 OF 2024

Sagar Kailas Bhosale ...Applicant
Versus
The State of Maharashtra ...Respondent

**WITH
CRIMINAL BAIL APPLICATION NO. 1714 OF 2024**

Radha Dalaram Sutar ...Applicant
Versus
The State of Maharashtra ...Respondent

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Mr. Ali Kaashif Khan Deshmukh a/w Ms. Hitanshi Gajaria, Ms.Snigdha Khandelwal, Ms.Zainab Burmawala, Ms.Bhagyashree Sortur, Advocats for the Applicant in Bail Application No.4427/2024.

Mr. Satyam Harshad Nimbalkar i/by Mr. Abhishek U. Arote, Advocates for the Applicant in Bail Application No.1714 /2024.

Mr. Vinod Chate, A.P.P. for the Respondent – State in Applicant in Bail Application No.1714 /2024.

Mr. T. G. Khan A.P.P. for the Respondent – State in Applicant in Bail Application No.4427/2024.

Mr. R. B. Shaikh (LHC), Pune City Crime Branch Narcotics, present.

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CORAM : N. R. BORKAR, J.
DATE : 28th FEBRUARY, 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. 276 of 2023 registered at Mundhwa Police Station, District :Pune for the offences punishable under Sections 8(c), 21(b), 22(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ("N.D.P.S. Act").
3. On 14.08.2023, the present applicants were apprehended and commercial quantity of Mephedrone (MD) was found in their possession.
4. The learned counsel for the applicants submits that there is non compliance of Sections 42 and 50 of the N.D.P.S. Act. It is submitted that the applicants are in jail for more than one year and there are no other criminal antecedents against them.
5. On the other hand, the learned A.P.P. for the Respondent-State submits that the applicants are involved in

serious offence. It is submitted that the applicants were found in possession of commercial quantity of contraband and thus bar contained under Section 37 of the N.D.P.S. Act would attract in the present case. It is submitted that considering the nature of offence, the applicants may not be released on bail.

6. I have perused the Seizure Panchanama. There is nothing to show that the search was taken by an officer superior in rank to a Constable. Therefore, *prima-facie*, there appears to be non-compliance of Section 42 of the N.D.P.S. Act. The applicants are in jail for more than one year. There are no criminal antecedents against them. In that view of the matter, I am inclined to release the applicants on bail on certain conditions:

ORDER

- (i) Criminal Bail Application is allowed;
- (ii) The applicants are directed to be released on bail in connection with Crime No. 276 of 2023 registered at Mundhwa Police Station, District :Pune City for the offences punishable under Sections 8(c), 21(b), 22(c) and Section 29 of the NDPS Act on executing PR. Bond in the sum of Rs.25,000/- each with one or two sureties in the like amount;

- (iii) The applicants shall not enter into the limits of Pune District except to attend the dates before the trial Court.
- (iv) Needless to mention that the trial Court shall decide the matter on its own merits without being influenced by the observations made in this order.
- (v) Application stands disposed of accordingly.

(N. R. BORKAR, J.)