

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1273 OF 2025

Ganesh Prabhakar Bavaskar

.. Applicant

Versus

The State of Maharashtra

.. Respondent

-
- Ms. Mallika Sharma, Advocate i/by Ms. Zehra Charania for Applicant.
 - Mr. Hitendra J. Dedhia, APP for Respondent.
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CORAM : MILIND N. JADHAV, J.

DATE : APRIL 01, 2025

P.C.:

1. Heard Ms. Sharma, learned Advocate for Applicant and Mr. Dedhia, learned APP for Respondent.

2. Applicant is incarcerated since 11.10.2023 in an offence punishable under provisions of Narcotics and Psychotropic Substances Act, 1985 (for short '**NDPS Act**') being one of the co-accused persons out of the 5 accused persons.

3. Ms. Sharma would submit that there has been no recovery of any contraband from possession of Applicant and indictment of Applicant is solely based on statement of co-accused persons who has disclosed his name.

4. Learned APP shall take appropriate instructions on the precise role of Accused No.2 in the present crime since the case of

prosecution is based on certain transactions of Accused No.2 with Accused No.1 which have been alleged to have taken place one month prior to the date of seizure in the present crime.

5. Ms. Sharma would also submit that the alleged contraband recovered in the present case from Accused No.1 has a manufacturing date of August – 2023 and therefore the case of prosecution against present Applicant on the basis of alleged transactions with Accused No.1 of March – 2023 cannot be relied upon by the prosecution for indictment of Applicant in the present crime.

6. Learned APP shall examine the aforesaid issue and accordingly apprise the Court on the next adjourned date.

7. Stand over to **22nd April, 2025.**

H. H. SAWANT

[MILIND N. JADHAV, J.]

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