

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1564 OF 2025

Pooja Jagdish Sharma	.. Applicant
Versus	
The State Of Maharashtra	.. Respondent

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- Mr. Harekrishna Mishra, Advocate for Applicant.
 - Mr. Rishikesh M Pethe, APP for State.
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CORAM : MILIND N. JADHAV, J.

DATE : APRIL 28, 2025

P. C.:

1. Heard Mr. Mishra, learned Advocate for Applicant and Mr. Pethe, learned APP for State.

2. Applicant - accused has filed the present Application for regular bail in connection with Crime No.1366 of 2024 registered with Ambarnath Police Station for the offence punishable under Sections 8(c) and 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, "**NDPS Act**"). Applicant in the present case is a woman who has been apprehended with alleged contraband namely 2.517 Kgs. of Ganja.

3. In the prosecution case the alleged contraband comprises of stems, flowers, and seeds. Be that as it may, *prima facie* the quantity of alleged contraband is of intermediate nature and according to the case of Applicant she was apparently asked to deliver the bag without

having knowledge about its contents. Applicant is incarcerated since 07.11.2024 in prison.

4. One of the submissions and request made by learned Advocate for Applicant is that she is having two minor children aged 14 and 11 years who are presently staying with their father namely Applicant's husband for whom she is required to provide care and support.

4.1. There is another submission made by learned Advocate for Applicant, *inter alia*, with respect to Applicant's physical condition since Applicant had suffered 65% burn injuries 12 years ago and a substantial part of her body being nonfunctional.

4.2. Learned Advocate for Applicant would also inform the Court that Applicant is also facing the ignominy of dissolution of her marriage though case has not been yet registered as per the instructions received by him.

4.3. Aforesaid grounds argued by learned Advocate as also considering the fact that Applicant is a woman and her physical condition impels me to consider her case for grant of bail and *prima facie* the trial if commenced may entail and take a long time to be completed considering that prosecution intends to examine 16 witnesses in the present trial.

5. In view of the above *prima facie* observations, in my opinion Applicant can be released on bail. Hence, Bail Application is allowed subject to the following terms and conditions:-

(i) Applicant is directed to be released on bail on furnishing P.R. Bond in the sum of Rs.10,000/- with one or two sureties in the like amount;

(ii) Applicant is permitted to furnish provisional cash bail of Rs.10,000/- for her release immediately and file undertaking that she will provide one or two sureties in the like amount of Rs.10,000/- within a period of four weeks after her release which shall be accepted by the Trial Court. Applicant shall provide sureties as directed;

(iii) Before her actual release from jail, Applicant shall furnish her address where she proposes to reside after her release from jail to the concerned Police Station and also to the trial Court;

(iv) After her release from jail, Applicant shall report to the Investigating Officer as and when called for;

(v) Applicant shall attend the trial Court on first Tuesday of every month between 11.00 a.m. and 01.00 p.m. to mark her presence. If the first Tuesday of the said month

falls on a holiday and / or non Court working day, the Applicant shall mark presence on the next working day;

(vi) 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 she does so, it will entitle the prosecution to apply for cancellation of this order;

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

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

(ix) In case of any infraction of the above conditions and / or two consecutive defaults in marking her attendance before trial Court, it shall attract the provisions of Section 439(2) of Cr.P.C. i.e. for cancellation of bail.

6. It is clarified that the observations made in this order are limited for the purpose of granting Bail only and I have not made any observations on merits of the case. The trial shall be adjudicated on the strength of the evidence led and strictly on its own merits being uninfluenced with any of the *prima facie* observations made herein above in this order.

7. Bail Application is allowed and disposed.

PR. Rajput

[MILIND N. JADHAV, J.]