

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 655 OF 2025
ALONGWITH
INTERIM APPLICATION NO. 2226 OF 2025

Suresh Raghunath Dhage And
Ors.

...Appellants

Vs.

The State of Maharashtra

...Respondent

Adv. Pratik Kalantri a/w Adv. Mihir N. Kasliwal and Adv. Deepali Kajat	Advocate for the Appellants
Mr. C. D. Mali	APP for the Respondent-State

CORAM : S. M. MODAK, J.

DATE : 30th JUNE 2025

P. C. :-

1. Heard learned Advocate for the Appellants.
2. Appellants have been convicted for an offence punishable under Sections 20(b) and 22(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985. On each of them, there is sentence of rigorous

imprisonment for two years and fine of Rs 5,000/-. If fine is not paid to undergo simple imprisonment for one month.

3. The contention is Police witnesses are examined and independent witnesses like panch is not examined. There is also grievance about non-compliance of the procedure as per the Narcotic Drugs and Psychotropic Substances Act, 1985.

4. **Admit the Appeal.**

5. **Call record and proceedings.**

6. Learned APP waives notice for the Respondent-State.

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7. Heard learned Advocate for the Applicants/Appellants on the point of the suspension of the sentence. Learned APP pointed out certain defects in the application. They are :-

- (a) There is no prayer for suspension in the prayer clause;
(there is only prayer for bail)
- (b) Copy of the fine payment receipt is not annexed.
- (c) Copy of the suspension order passed by the trial Court is not annexed.

8. Learned Advocate for the Applicants seeks time to take instructions about payment of fine and to produce suspension order

passed by the trial Court.

9. Let the Applicants/Appellants to amend prayer clause by incorporating the prayer for suspension of sentence.

10. Amendment be carried out earlier to the next date.

11. Relying on that, the substantive sentence suspended by the trial Court is suspended till the next date by continuing the same Personal bond and Surety bond, to be furnished within four weeks.

12. The order of the suspension be produced on the next date positively. If not produced, this order will not continue.

13. The amount of the bail bond will be decided on the next date.

14. Stand over to **28th July 2025.**

[S. M. MODAK, J.]