

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

**INTERIM APPLICATION NO. 2226 OF 2025
IN
CRIMINAL APPEAL NO. 655 OF 2025**

1. Suresh Raghunath Dhage	
2. Rahul Dadabhau Shinde	
3. Sagar Rohidas Mohite	..Applicants
Versus	
The State of Maharashtra	..Respondent

Mr. Pratik Kalantri for Applicants.
Mr. Shreekant H. Yadav, APP for State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 28 JULY 2025**

PC :

1. This is an application for bail pending Appeal. The Applicants were the original Accused Nos.1, 2 and 4 in Special NDPS Case No.33 of 2016 before the Additional Sessions Judge, Nashik. The Applicants were convicted for commission of the offences punishable U/s.20(b) and 22(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'). They were sentenced to suffer R.I. for two years and to pay a fine of Rs.5000/- and in default to suffer S.I. for one month.

2. Learned counsel for the Applicants submitted that the applicants were on bail during trial. Even after their conviction they were granted bail U/s.430 of the Bharatiya Nagarik Suraksha Sanhita, 2023. He submitted that on merits they have a good case. Nothing was found from their person. The contraband 1.220kg. of *ganja* was found from under the seat of the driver of the vehicle. The conscious possession is not proved. He further submitted that, no independent pancha is examined. Only the police witnesses were examined.

3. Learned APP opposed these submissions. He submitted that the prosecution has proved its case beyond reasonable doubt. The witnesses corroborate each other. However, he could not make any submissions regarding the short sentence imposed on the applicants, and as to why bail should not be granted as the appeal is not likely to be decided within that time.

4. I have considered these submissions. The incident is dated 22.07.2016. On prior information, the police intercepted a Maruti Car bearing No.MH06-AS-3742 at about 3:15p.m. near

Indoline furniture on Pathardi Phata to Ambad village road. The applicants were travelling in that car. Their personal search did not show anything, however, there were two plastic bags kept below the driver's seat. They contained 1.220kg. of *ganja*; besides 0.892kg. of *bhang*. On this basis, C.R.No.3103 of 2016 was registered at Ambad police station.

5. The submissions made by the learned counsel for the Applicants regarding absence of proof regarding conscious possession will have to be considered at the final hearing stage. The Applicants were on bail during trial. There are no allegations of misuse of that liberty. The sentence imposed on them was only for two years. The Appeal is not likely to be decided during that period of two years. They were granted bail by the trial Court even after their conviction for a short period. Considering all these aspects, I am inclined to grant bail to the applicants during pendency of their appeal.

6. Hence, the following order:

O R D E R

- i) During pendency and final disposal of Criminal Appeal No.655 OF 2025, the Applicants are directed to be released on bail on their furnishing P. R. bonds in the sum of Rs.25000/- each with one or two sureties each in the like amount.
- ii) The Application is disposed of.

(SARANG V. KOTWAL, J.)