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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR**

**CRIMINAL WRIT PETITION NO.11 OF 2025**

Dineshbhai Premjibhai Parmar,  
Aged about: 36 Years, Occ- Nil,  
R/o- Indira Nagar, Plot No. 326,  
Mansa, Gandhinagar, Gujrat,  
(Presently at Central Jail At Buldhana) ..... **PETITIONER**

**// VERSUS //**

State of Maharashtra,  
Through Police Station Officer,  
Dhad Police Station,  
District Buldhana. .... **RESPONDENT**

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Mr. P. K. Dahat, Counsel for petitioner.  
Ms. Ritu Sharma, APP for respondent /State.  
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**CORAM : URMILA JOSHI-PHALKE, J.**  
**DATED : 10.01.2025**

**ORAL JUDGMENT :**

1. **Rule.** Rule made returnable forthwith.
2. Heard finally with the consent of learned Counsel appearing for the parties.
3. By this petition, the petitioner is seeking modification of the conditions imposed by the learned Additional Sessions Judge, Buldhana, while granting the bail to the present petitioner

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in Regular Bail Application No.410/2023 in connection with the Crime No.347/2023 dated 30.12.2023.

4. The petitioner is arraigned as an accused in connection with Crime No.347/2023 registered under Sections 8(c), 20(b)(ii)(C) and 29 of the Narcotic Drugs and Psychotropic Substances Act (for short 'the NDPS Act') and he was arrested and is behind bars. He has filed an application for grant of bail, as the crime was registered against him. On the basis of the report, on an allegation that he was the driver of the truck wherein the contraband article Ganja was transported on 09.11.2023. It was submitted that he was not aware of the owner of the truck who used the said truck for transporting the said contraband article and therefore, he driven the truck to transport the other articles, however, the truck was intercepted and he was arrested. By considering this submission and the material collected during the investigation, the learned Additional Sessions Judge, Buldhana released the present petitioner on bail on condition to furnish the surety of Rs.1,00,000/- and the said condition was put as he is not resident of Maharashtra, but he is a permanent resident of Gandhi Nagar, Gujarat.

5. Heard learned Counsel for the petitioner, who submitted that the condition imposed while releasing the petitioner on bail is harsh one. The petitioner is from poor strata

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of the society and he has no means to deposit either the cash amount or to furnish the surety of Rs.1,00,000/- and therefore, the condition be modified and he be released on bail on his personal bond.

6. The said petition is strongly opposed by the State on the ground that there is every chance of abscondence of the present petitioner if he is released on the personal bond. The allegation regarding the transporting of the contraband article is serious in nature. Though there is bar under Section 37 of the NDPS Act, he is already released on bail, but then that condition is required to secure his presence before the Court. In view of that, the petition deserves to be dismissed.

7. After hearing both sides and on perusal of the impugned order as well as the record, it reveals that during investigation, it reveals that the contraband Ganja was seized from the truck which the petitioner was driving and therefore, he was arraigned as an accused. During the pendency of bail application, the Investigating Officer has submitted his reply and after considering the investigating papers, he was released on bail by a imposing condition for furnishing the PR Bond of Rs.1,00,000/-. Now the Hon'ble Apex Court has settled the position that no harsh conditions can be imposed while releasing the accused on bail. In the case of **Mithun Chatterjee Vs.**

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**State of Odisha in Special Leave Petition No.4705/2021**

wherein the Hon'ble Apex Court has considered that imposition of onerous conditions for grant of bail tantamount to denial of bail. In the case of **Sumit Mehta v. State (NCT of Delhi)** reported in **Manu/SC/0935/2013** wherein also it is held that "the object of putting such conditions should be to avoid the possibility of the person hampering the investigation. Thus, any condition, which has no reference to the fairness or propriety of the investigation or trial, cannot be put has not permissible under the law. So, the discretion of the Court while imposing conditions must be exercised with utmost restraint. It is further held by the Hon'ble Apex Court that "the words "any condition" used in the provision should not be regarded as conferring absolute power on a Court of law to impose any condition that it chooses to impose. Any condition has to be interpreted as a reasonable condition acceptable in the facts permissible in the circumstance and effective in the pragmatic sense and should not defeat the order of grant of bail. We are of the view that the present facts and circumstances of the case do not warrant such extreme condition to be imposed."

8. As far as the contention of the petitioner that he should be released on personal bond cannot be accepted considering the gravity of the offence. Moreover, the Court has

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to consider whether the availability of the accused could be there if he is released on personal bond, therefore, the prayer of the present petitioner to release him on personal bond cannot be considered. The condition can be modified only to the extent that instead of one surety, he can furnish more than one sureties for the satisfaction of the Court. In view of that petition deserves to be allowed. Accordingly, I proceed to pass following order.

**ORDER**

- (i) Writ Petition is allowed.
- (ii) The petitioner is permitted to furnish surety of Rs.1,00,000/- with one or more sureties.

9. Rule is made absolute in the above terms.

**(URMIL A JOSHI-PHALKE, J.)**

Sarkate.