



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

Criminal Application (APPA) No. 795 of 2025

in

Criminal Appeal No. 456 of 2025

Gajanan Bhimrao Umekar

Versus

State of Maharashtra through Police Station Officer

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Vikky S. Gokhale, Advocate h/f Shri Rahul J.
Shinde, Advocate for the applicant.
Ms. S.N.Thakur, APP for the respondent/State.

**CORAM : NIVEDITA P. MEHTA, J.
DATED : 30th SEPTEMBER, 2025.**

The present application is filed by the applicant under Section 430 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for suspension of sentence and grant of bail.

2. The applicant has filed an appeal assailing the order of conviction passed by the learned Additional Sessions Judge, Amravati in Special (NDPS) Case No. 271 of 2020 for the offence under Section 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substance Act, 1985 for contravention of Section 8(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 and he is

sentenced to suffer rigorous imprisonment for 3 years and to pay fine of Rs.25,000/- in default to pay said fine, he shall undergo simple imprisonment for six months.

3. Learned counsel for the applicant submits that quantity of contraband which was in possession of the applicant was 1100 gram ganja. He further submits that during the trial Court he was on bail and has not misused his liberty so granted. The learned counsel for the applicant submits that appeal will take its own time and he has a fair chance to succeed in the appeal.

4. The application is strongly opposed by the learned Additional Public Prosecutor and submits that the possibility of threatening and tampering to the prosecution witnesses, cannot be ruled out. Accordingly, prays for rejection of the application.

5. Having considered the submissions of both the sides, the quantity of contraband seized by the police from the possession of applicant is 1100 gram ganja, the nature of offence, period of sentence and the fact that the appeal is likely to take time for final hearing. This Court is of the opinion that it is a fit case to grant application for suspension of sentence.

6. Accordingly, the application is allowed. The sentence of conviction passed by the learned Additional Sessions Judge, Amravati in Special (NDPS) Case No.

271 of 2020 convicting the applicant for the offence punishable under Section 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substance Act, 1985 for contravention of Section 8(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 stands suspended till final disposal of the appeal.

7. The applicant shall be released on bail on his furnishing PR Bond in the sum of Rs.15,000/- with one solvent surety in like amount before the trial Court.

8. The applicant shall report to the learned Sessions Court on every 1st Friday of each month and also furnish address proof and mobile number to the concerned Sessions Court.

9. The learned Additional Public Prosecutor or the Investigating Officer is at liberty to seek cancellation of bail if any of the aforesaid conditions is breached or for any other sufficient reason.

10. The criminal application is disposed of.

[NIVEDITA P. MEHTA, J.]