2026:BHC-AUG:46912

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1336 OF 2026
IN
CRIMINAL APPEAL NO. 247 OF 2026

Minatai Dilip Patil
Age: 39 years, Occu.: Household,
R/o. Sarola, Taluka Paranda,
District Osmanabad. **... Applicant**
[Accused]

Versus

The State of Maharashtra
Through Naldurga Police Station,
Taluka Tuljapur, District Osmanabad. **... Respondent**

.....

Dr. Anagha M. Pedgaonkar, Advocate for the Applicant.
Mr. N. D. Raje, APP for the Respondent-State.

.....

CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 06.10.2026
PRONOUNCED ON : 07.10.2026

ORDER :

1. Instant application is for suspension of sentence awarded in Special Case No. 79 of 2020 dated 05.03.2026 for offence under Sections 8(c), 20(C) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 [NDPS Act] and equally, prayer is raised for grant of bail also.

2. Learned Counsel for the applicant pointed out that the applicant has been convicted for the aforesaid offences and sentenced

to suffer rigorous imprisonment for 12 years. However, according to her, the applicant has been falsely implicated, as there is no convincing or legally acceptable evidence against the present applicant. She pointed out that the applicant was arraigned as accused No.3. She was not present when accused Nos.1 and 2 were apprehended. PW1 also admitted that only two persons were in the vehicle which was intercepted. She further pointed out that the name of the applicant was not appearing in the FIR or even in the initial chargesheet. Rather, for the first time, she was arraigned as accused No.3 in the supplementary chargesheet. She pointed out that there is no iota of evidence to implicate the applicant, except the call records. However, she pointed out that the SIM card was standing in the name of prosecution witness PW7. There is no money trail leading to the applicant. There is also no recovery from her. She would submit that the applicant was on bail during the trial and, as the appeal is of the year 2026 and may not be heard immediately, she prays for suspension of sentence and grant of bail.

3. Learned APP opposed the application by pointing to the observations of the Trial Court, more particularly, in paragraphs 83, 85, 88 and 94 of the judgment. According to him, there is overwhelming evidence regarding the involvement of the applicant.

4. Heard. Perused the papers. Admittedly, the applicant seems to have been arraigned as accused No.3 and charged with the commission of offences punishable under Sections 8(c), 20(C) and 29 of the NDPS Act. There is also a charge under Section 201 of the IPC. It appears that, in Special Case No.79 of 2021, the present applicant was convicted by the learned Trial Court vide judgment and order dated 05.03.2026 for being in possession of *Ganja*, which was in commercial quantity, i.e. 97 Kg. 960 grams. Though the applicant was not named in the FIR or even in the initial chargesheet and her name came to be mentioned in the supplementary chargesheet, the investigating machinery seems to have connected her with the other accused on the basis of call records. However, it is pointed out that PW7 admitted that the SIM card belonged to her. The Investigating Officer claims that accused No.3 is the owner of the vehicle in question, which was used for transporting five gunny bags of *Ganja*. However, as pointed out, initially, charge Exhibit-49 was framed only against accused Nos.1 and 2 and subsequently, by virtue of additional chargesheet bearing No.44(1) filed on 10.07.2023, applicant came to be arraigned as an accused No.3, primarily on the basis that she was the owner of the vehicle. According to the prosecution, the accused persons, in collusion with each other, committed the crime. However, the learned Trial Court seems to have already acquitted some of the

accused persons of the charges under Sections 120-B, 201 and 116 read with Section 34 of the IPC and under Section 27A of the NDPS Act. Therefore, there seems to be some substance in the submission of the learned Counsel that applicant, who is lady, has a good case on merits in appeal. The applicant was stated to be on bail during trial. Taking the same into consideration and in view of the above discussion, the relief as prayed for deserves to be granted. Hence, I proceed to pass the following order:

ORDER

I. Criminal Application stands allowed.

II. The substantive sentence imposed on the applicant – Minatai Dilip Patil in Special Case No. 79 of 2020 by the learned Special Judge, Osmanabad on 05.03.2026, stands suspended till the final hearing and disposal of Criminal Appeal No.247 of 2026.

III. The applicant be released on P.R. Bond of Rs.15,000/- (Rupees Fifteen Thousand Only) with two solvent sureties in the like amount.

IV. The applicant shall not commit any criminal activity.

V. The applicant shall remain present before the learned trial Judge once in six months, till final hearing and disposal of the appeal, commencing from the date she tenders bail

papers and thereafter, the trial Judge to fix dates for his subsequent appearances.

VI. In case of two consecutive defaults on the part of the applicant to remain present before the trial court, the trial court to inform this court about the same and in that eventuality, the prosecution would be at liberty to file an application for cancellation of bail granted to the applicant.

VII. Bail before the trial court.

[ABHAY S. WAGHWASE, J.]

scm