

Shubhada S Kadam

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1794 OF 2024

1. Lalitkumar Dayanand Sharma

2. Kaulsingh Rupsing Singh

...Applicants

versus

The State of Maharashtra

...Respondent

Mr. Taraq Sayed along with Ms. Ashwini Achari and Mr. Anish Pereira,
Advocate for Applicants.

Ms. Ranjana D. Humane, APP for Respondent-State. APP for Respondent-State.

PSI-Sachin Shinde, ATS, Vikhroli, Mumbai, present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 10th APRIL, 2026.

P.C. :

1. By this application, the applicants are seeking regular bail in Crime No. 602 of 2020 registered with Pune Railway Police Station, District Pune, which was subsequently transferred to the Anti-Terrorist Squad, Pune and numbered as Crime No.13 of 2020 for the offences punishable under Sections 8(c), 20(b)(ii) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. It is prosecution's case that on 19th December 2020, on secret information, the police apprehended the applicants and co-accused and found in their possession a total of 34.404 kg of charas, out of which

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22.492 kg was individually recovered from applicant No. 1 and 11.912 kg of charas was recovered from applicant No. 2.

3. It is contention of learned counsel for the applicants that the applicants are behind bars for around five years and three months, yet the trial has not commenced. He submitted that as per the view of the Hon'ble Apex Court in *Chintan Rajubhai Panseriya versus State of Maharashtra in SLP(Cri) No.439 of 2026, Rabi Prakash versus State of Odisha in SLP (Cri) No.4169 of 2023 and Ankur Chaudhary versus State of Madhya Pradesh in SLP(Cri) No.4648 of 2024*, the applicants are entitled to bail on the ground of long incarceration. Learned counsel further submitted that the minimum punishment provided for the offence committed by the applicants is 10 years, while the maximum punishment is 20 years. Considering the long incarceration, the applicants are entitled to bail, and requested to allow the application.

3. It is contention of learned APP that commercial quantity of charas was found in the possession of the applicants. Applicant No. 1 has antecedents of a similar nature. If the applicants are released on bail, they may abscond or threaten the prosecution witnesses, and requested to reject the application. She has relied on *Union of India versus Vigin K. Varghese 2025 INSC 1316*.

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4. It is contention of learned counsel for the applicants that applicant No. 1 has no antecedents prior to the present crime, and while in custody, the applicant was arrested in another crime, so it cannot be said that he has antecedents, and he has been released on bail for the said offence.

5. I have heard both learned counsel, perused charge- sheet and documents produced on record. The applicants are behind bars for around five years and three months. There is no progress in the trial. The Hon'ble Apex Court in *Chintan Rajubhai Panseriya versus State of Maharashtra, Rabi Prakash versus State of Odisha and Ankur Chaudhary versus State of Madhya Pradesh(supra)*, has granted bail to the accused therein on the ground of long incarceration. Considering these facts, the applicants are entitled to bail on the ground of long incarceration and I pass following order:

ORDER

- (i) The applicants be enlarged on bail in Crime No. 602 of 2020 registered with Pune Railway Police Station, District Pune, which was subsequently transferred to the Anti-Terrorist Squad, Pune and numbered as Crime No.13 of 2020, on executing P.R.Bond in the sum of Rs.30,000/- each with one or two sureties in the like amount.

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(ii) The applicants shall attend the concerned police station as and when required.

(iii) The applicants shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

The application is allowed in the aforesaid terms and is accordingly disposed of.

6. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.

7. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)