Shubhada S Kadam

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2404 OF 2025

Sushant Ramesh Rajge ...Applicant
Versus
Customs Through Vinod Kumar and anr. ...Respondents

with

BAIL APPLICATION NO. 3708 OF 2025

Kishor Balu Dhavale @ Appa Dhavale …Applicant
Versus
The State of Maharashtra and anr. ...Respondents

Mr. Tarish V. Sathe along with Mr. Amit Icham and Ms.Hrudyanshi Joshi, Advocate for Applicant in both bail applications.
Mr. Rushikesh Munde, SPP for Respondent-Customs.
Ms. Veera S. Shinde, APP for Respondent-State.

CORAM : SHIVKUMAR DIGE, J.
DATE : 16h FEBRUARY, 2026.

P.C. :

1. These two applications are arising out of the same crime, hence, I am deciding these two applications by this common order.

2. By these applications, the applicants are seeking regular bail in Crime No. 11 of 2023 registered with Inspector (Narcotics Cell), Customs, Pune, at Customs Pune, 41A, ICE, House, Sassoon Road, Pune, for the offences punishable under Sections 8(c), 20(b)(ii)(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. It is prosecution's case that on 31st October 2023, on secret

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information, the police apprehended the applicants and found 200 kg of ganja in the vehicle of applicant-Kishore, and it is alleged that applicant-Sushant was petrolling the said vehicle.

4. It is contention of learned counsel for the applicants that the applicants were apprehended on 31st October 2023 at 1:55 a.m. and were produced before the Magistrate on 2nd November 2023 i.e. after 24 hours of their apprehension. Hence, the applicants are entitled for bail.

5. It is contention of learned SPP that the applicants were apprehended on 31st October 2023 at around 1:55 a.m., they came to be arrested on 1st November 2023 and thereafter they were produced before the Magistrate on 2nd November 2023, so they were produced before the Magistrate within 24 hours of the arrest. The commercial quantity of ganja was found in possession of the applicants. If the applicants are released on bail, they may abscond. Hence, requested to reject the application.

6. I have heard both learned counsel and perused the documents produced on record. Admittedly, the applicants were apprehended on 31st October 2023 at 1:55 a.m. in the midnight, but arrest is shown on 1st November 2023, that is almost after 24 hours of apprehension. The panchnama produced on record shows that the applicants were apprehended along with ganja. No reason is mentioned in the panchnama why the applicants' arrest is shown one day after their apprehension.

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Admittedly, the applicants were produced before the Magistrate after 24 hours of the apprehension. Considering these facts, I pass following order:

ORDER

(i) The applicants-Sushant Ramesh Rajge and Kishor Balu Dhavale @ Appa Dhavale, be enlarged on bail in Crime No. 11 of 2023 registered with Inspector (Narcotics Cell), Customs, Pune, at Customs Pune, 41A, ICE, House, Sassoon Road, Pune, on executing P.R.Bond in the sum of Rs.30,000/- each with one or two sureties in the like amount.

(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 applications are allowed in the aforesaid terms and are accordingly disposed of.

7. 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.

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

(SHIVKUMAR DIGE, J.)