

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.4585 OF 2025

Harshad H. Thorat ...Applicant
V/s.
The State of Maharashtra ...Respondent.

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Mr. Amit Icham a/w. Mr. Chaitanya Purankar for the Applicant.
Mr. S.R. Agarkar, APP for the Respondent/State.

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CORAM : N.R. BORKAR, J.
DATE : 19.01.2026.

P.C. :

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No.131 of 2023 registered at Wanwadi Police Station, Pune for the offences punishable under Sections 8(c) & 20(b)(ii)(c) of the Narcotics Drug and Psychotropic Substances Act (NDPS Act).
3. On 14.3.2023, the present applicant was apprehended as he was found to be selling the Ganja and 21 Kilo 200 Grams of Ganja, was recovered from the possession of the applicant.
4. I have heard the learned counsel for the applicant and the learned APP for the respondent - State.
5. The bail is sought on the ground of long incarceration as undertrial prisoner. Learned counsel for the applicant submits that the applicant is in jail for about 2 years and 10 months and except framing of charge, there is no progress in the trial. Learned counsel for the applicant has drawn my attention to the order passed by this Court dated 28th April 2025 in Bail Application No.

2765 of 2024. It is submitted that by the said order, this Court has granted liberty to the applicant to file a fresh application for bail after four months.

6. On the other hand, learned APP for the respondent/State submits that the present applicant is involved in serious offence under the NDPS Act. It is submitted that the applicant was found in possession of commercial quantity of Ganja. It is submitted that considering the nature of crime, the applicant may not be released on bail.

7. The fact that applicant is in jail for about 2 years and 10 months, and the trial has not commenced is not disputed.

8. The Hon'ble Supreme Court in ***Dheeraj Kumar Shukla vs. The State of Uttar Pradesh***¹ while dealing with a similar situation and granting bail has observed:

"3. It is true that the quantity recovered from the petitioner is commercial in nature and the provisions of Section 37 of the Act may ordinarily be attracted. However, in the absence of criminal antecedents and the fact that the petitioner is in custody for the last two and a half years, we are satisfied that the conditions of Section 37 of the Act can be dispensed with at this stage, more so when the trial is yet to commence though the charges have been framed."

9. Considering the overall facts and circumstances of the case, I am inclined to release the applicant on bail. In the result, the following order is passed.

1 2023 SCC OnLine SC 918

ORDER

- A] The Application is allowed.
- B] The applicant be released on bail in C.R. No.131 of 2023 registered at Wanwadi Police Station, Pune for the offences punishable under Sections 8(c) & 20(b)(ii)(c) of the (NDPS Act) on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.
- C] The applicant shall attend the concerned police station once in a month ,i.e., on first Saturday between 11.00 a.m. to 2.00 p.m. till conclusion of the trial.
- D] The applicant shall not commit any other crime.

[N.R.BORKAR, J.]