

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 607 OF 2026

Kisan Shaliram Pawar

...Applicant

VERSUS

The State of Maharashtra

...Respondent

....

Mr. Vivek Arote , Advocate for the Applicant.

Mr. S. V. Walve, A.P.P. for the Respondent – State.

....

CORAM : N. R. BORKAR, J.
DATE : 12.03.2026.

P.C.:

1. This is an application for regular bail.
2. The Applicant came to be arrested in Crime No. 1095 of 2021 registered at Yawat Police Station, District Pune for the offences punishable under Sections 8(c) and 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
3. I have heard the learned counsel for the applicant and the learned APP for the respondent/State.
4. The bail is sought on the ground of long incarceration as an undertrial prisoner. Learned Counsel for the Applicant submits that the Applicant is in jail for a period of four years and two months and the trial is still at

the stage of framing of charge.

5. On the other hand, Learned APP for the Respondent-State submits that the Applicant is involved in serious crime. It is submitted that the Applicant and other co-accused were found in possession of commercial quantity of Ganja. As regards delay in trial, the learned APP submits that the accused are protracting the trial. It is submitted that considering the nature of crime, the Applicant may not be released on bail.

6. The fact that the Applicant is in jail for four years and two months and the trial is still at the stage of framing of charge is not disputed.

7. 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."

1 2023 SCC OnLine SC 918

8. Considering the overall facts and circumstances of the case and as there are no other criminal antecedents against the present applicant, I am inclined to release the applicant on bail. In the result, the following order is passed:

ORDER

A] The Application is allowed.

B] The Applicant be released on bail in Crime No. 1095 of 2021 registered at Yawat Police Station, District Pune for the offences punishable under Sections 8(c) and 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 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 not commit any other crime.

D] 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.

9. The Application stands disposed of in the aforesaid terms.

(N. R. BORKAR, J.)