



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPP) NO. 2835/2025 IN
CRIMINAL APPLICATION (BA) NO. 940/2024
(Surbhi d/o Raju Soni Vs. The State of Maharashtra)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. M.V. Rai, Advocate for applicant.
Mr. A. Chutke, APP for non-applicant/State.

CORAM: M. M. NERLIKAR, J.

DATED : 17/01/2026.

Heard.

2. The allegations against the present applicant is of recovery of contraband “Ganja” weighing 7.061 kg from a bag during a raid conducted in train No.08327. It is alleged that she and her husband along with other co-accused persons were carrying commercial quantity of “Ganja” of 33.201 kg worth Rs.6,64,020/-.

3. The present applicant was released by this Court on temporary bail vide order dated 27.11.2024 on humanitarian ground considering the advance pregnancy stage at the relevant time for a period six months. Thereafter, by filing Criminal Application No.1027/2025, again, the applicant requested to grant temporary bail/sought extension of six months. Accordingly, this

Court by an order dated 17.06.2025, further granted temporary bail/extension to the applicant for a period of six months considering the fact that the atmosphere in the Jail would not be proper and healthy for the newly born child and therefore, consideration is required. Further, this Court has also relied on the judgment of the Supreme Court in case of *R.D. Upadhya Vs. State of A.P. and ors., (2007) 15 SCC 337*.

4. Now, so far as the present application is concerned, again it is filed to extend the period of temporary bail granted by this Court by an order dated 17.06.2025 passed in Criminal Application 1027/2025 in Criminal Application (BA) No.940/2024. The learned counsel for the applicant submits that the mother of the applicant is residing with the present applicant. The mother is maintaining the applicant as well as her son by working in the Saree Shop. The entire responsibility is on the mother and the child of the present applicant is only of one year of age. To prevent from the adverse effect of the Jail on the child, the learned counsel for the applicant submits that temporary bail of six months/extension be granted. He further submitted that the applicant is

regularly attending the trial.

5. After perusal of the orders passed by this Courts on 27.11.2024 and 17.06.2025, I am of the opinion that six months time can be granted in order to prevent the adverse atmosphere of the Jail on the child. In this view of the matter, the following order is passed:-

ORDER

(I) The present application is allowed,

(II) Applicant – Surbhi d/o Raju Soni shall be released on temporary bail in connection with Crime No.92/2024 registered with the Railway Police Station, Gondia, Dist. Gondia for the offence punishable under Sections 20(b)(ii), 29 and 8 (c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 for a period of six months.

(III) The surety already submitted by the present applicant shall be continued for a period of six months. Other conditions which have been laid down in the order dated 17.06.2025 will be maintained.

(IV) The applicant shall attend each and every date of the Trial Court. Two defaults would entails the prosecution to file the application for cancellation of bail before the Trial Court.

6. Application stands disposed of in above terms.

(M. M. NERLIKAR, J.)

Gohane