

MHAU010065412025



Special Case No.562/2025
State Vs. Ajay & Ors.

ORDER BELOW EXH. 42

Applicant/accused Ajay Ramesh Wahul @ Thakur has filed application for regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in Crime No.50/2025 registered with Satara Police Station, Chhatrapati Sambhajinagar, for the offence punishable under Section 8(c), 22(b), 20(b) (ii), 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, Section 123, 3(5) of B.N.S., under Section 18(c), 27 of Drugs and Cosmetic Act, 1940 and under Section 3(1)(ii), 3(2), 3(4) of Maharashtra Control of Organized Crime Act, 1999.

2. To this, the Assistant Commissioner of Police, Osmanpura Division, Chhatrapati Sambhajinagar has filed say and opposed the application on various grounds and lastly prayed that the application may be rejected.

3. The learned Special Public Prosecutor Shri. S. V. Mundwadkar filed the say and opposed the application on the ground that the nature of offence is serious. He is having main role in commission of crime. There is direct role and direct evidence against him. Muddemal is seized from his custody. The house was owned by the present applicant/accused. He is leader of organized crime syndicate in commission of series of serious crime including the present offence by using violence, threat or intimidation or by other unlawful means with sole object of gaining illegal pecuniary gain or other advantage for the said organized crime. The applicant with the help

of other accused formed organized crime syndicate for committing offence against the persons and the property for gaining illegally. He is continue indulging in commission of offence. Therefore, to control the illegal activities the MCOC is imposed against him. Total 29 cases pending against him in different police station. If bail is granted, he may committed same type of offences, may tamper the witnesses and evidence and may abscond from the trial. Hence, it is lastly prayed that, the application may be rejected.

4. The learned Advocate Shri. N. S. Ghanekar for the applicant/accused submit that, nothing was found in the house, but in front room some alleged recovery was made which is not owned by him. The quantity of alleged seized contraband articles is not commercial quantity. Co-accused released on bail. It is not mentioned that other offences committed by the organized syndicate. Only in one case he is convicted. In many other cases he is acquitted. No document produced of other cases. From considerable period he is behind the bar. The property is not on his name and therefore there is no conscious possession. No statement of nearby persons that the room is of the accused. Further detention not required. Ready to abide by the conditions. Hence, it is prayed that, the application may be allowed.

5. The learned Special Public Prosecutor Shri. S. V. Mundwadkar submit that, the applicant/accused is habitual in commission of such offences. He is big peddler. If released on bail, possibility of repetition of similar offences. Pressurizing the witnesses and also absconding and trial will be hampered. There is sufficient evidence and there is every possibility of conviction in this case. Parity is not applicable. Hence, he lastly prayed that the application may be rejected.

6. Having considered the allegations and submission, it appears that the alleged offence is dated 03.02.2025 and registered on the same day at 17.20 hours. The applicant/accused is arrested on 03.02.2025 and at present he is in judicial custody.

7. Perused the application and the say. Also perused the charge-sheet and documentary material including the statement of the witnesses and panchanama etc. The learned Special Public Prosecutor Shri. S. V. Mundwadkar submit that, the applicant/accused is habitual in commission of such offences, he is big peddler, if released on bail there is possibility of repetition of similar offences, pressurizing the witnesses and also absconding and therefore the trial will be hampered, there is sufficient evidence and every possibility of conviction, he is main accused and therefore parity is not applicable. In the written say it is also submit that, the nature of offence is serious, he is gang leader of syndicate, muddemal is seized from his custody, the house was owned by the present applicant/accused, he is head of organized crime syndicate in the commission of series of commission of serious crime including the present offence by using violence, threat or intimidation or by other unlawful means with the sole object of gaining illegal pecuniary gain or other advantage for the said organized crime, he with the help of other accused formed organized crime syndicate for committing offence against the persons and the property for gaining illegally, he is continue indulging in commission of offence, therefore, to control the illegal activities the MCOC is imposed against him, total 29 cases pending against him in different police station.

8. After considering it, and also considering the entire facts, without commenting upon the merit of the case it appears that there are no just and reasonable grounds to allow the application. The grounds raised in

say and in submission of the learned Special Public Prosecutor are sufficient to reject the application. On the other hand, the grounds in the application and in argument of the learned Advocate for the applicant/accused are not sufficient to allow the application. As such the applicant/accused is not entitled for bail at this juncture. In the result, I proceed to pass the following the order.

ORDER

The bail application is rejected.

Date : 13.10.2025

(Rajesh D. Patil)
Special Judge & A.S.J.
Aurangabad.