

**IN THE COURT OF AD-HOC ASSISTANT SESSIONS JUDGE-1**  
**PANVEL-RAIGAD**

**SPL. CASE NO.72/2020**

**ORDER PASSED BELOW EXHIBIT-10**

**CNR No.170006592020**

**(Dated 21/08/2020)**

1. The applicant/accused No.3 Amrish Sharanappa Koli has filed the present application u/sec.439 of Cr.P.C. for grant of bail in C.R.No.472/2019 registered with Panvel City police station for the offences p/u/sec.8(c), 22 of the NDPS Act 1985. During investigation of the said offence, name of present applicant cropped up and he was arrested on 18/11/2019 and after initial police custody was remanded to magisterial custody on 22/11/2019.

2. Heard Adv. K.J.Mhatre for the applicant and APP Yerunkar for the State. So also gone through the say filed by I.O. Adv. Mhatre submitted that, on 13/11/2019 the Anti Narcotic Cell, Navi Mumbai arrested accused No.1 with Ketamine drug weighing 650 gms. During further investigation present applicant came to be arrested on the ground that, he was working in CIPLA Company in production department and removed the contraband and handed over to co-accused for sale. Adv. Mhatre further submitted that, applicant is falsely implicated and he had not supplied any material to accused No.4 or 5. No any contraband was seized from this applicant. Applicant was arrested on the statement made by the other

accused.

3. Adv. Mhatre further submitted that, applicant is permanent employee of CIPLA company and there was no any complaint of loss of finished product by CIPLA company. Therefore, according to Adv. Mhatre no any powder was stolen by applicant from the company. Applicant is in jail since 18/11/2019. He is permanent resident of Panvel. He is having wife and daughters to look after, hence prayed for releasing the accused on humanitarian ground.

4. Whereas, APP Yerunkar opposed that application on the ground that, earlier two bail applications were rejected on merit and there is no any change in the circumstances, therefore, present application on same ground is not maintainable. APP Yerunkar further submitted that, accused No.1 was arrested on the credible information received by the Anti Narcotic Cell wherein, commercial quantity of Ketamine weighing 650 gms., was seized. During investigation name of present applicant who was in production department was revealed and it was applicant who stole the powder from the company and handed over to accused Nos.4 & 5. Thus according APP Yerunkar, it was criminal conspiracy hatched by all the accused to commit the crime, accused is not entitled for bail. APP Yerunkar lastly submitted that, considering the gravity of the offence, it's impact on the young generation and the punishment provided, application is liable to be rejected.

5. It is an admitted fact that, earlier bail application of present applicant was rejected by my predecessor on 12/06/2020 on merit. At that time too charge-sheet was filed. Thus question arise whether present application on similar ground without there being any change in the circumstances is maintainable?. The answer is definitely No, because there is no any change in the circumstances entitling the present applicant to move bail application on similar ground. It was simply argued that, as charge-sheet came to be filed hence present application came to be filed.

6. However, I am not impress with the said submission, because application Exh.7 dt.28/05/2020 was filed pursuant to filing of charge-sheet wherein, similar grounds were raised for release on bail. To buttress the submission Adv. Mhatre had placed reliance on the authority of "**Ashwin Vamanrao Gharade (Garde) V/s. State of Gujrat in R/Criminal Misc. Application No.18486 of 2019 decided on 18 October, 2019.**" In the case of **Ashwin (supra)**, the earlier bail application filed by applicant was withdrawn on 04/06/2019 with liberty to file fresh application, hence, subsequent bail application was held to be maintainable. Even the co-accused was enlarged on bail. However, that is not the case in hand, because, earlier bail application was rejected on merit, that too after filing of charge-sheet.

7. Thus no any change in circumstances are brought on record to entertain the present application. Hence on this technical ground itself application is not maintainable and liable to be rejected. Apart from the same even for the sake of argument, if the nature of the allegations and the role of present applicant is taken into consideration, his name cropped up during investigation and the raw material produced by CIPLA company was stolen by the present applicant who gave it to accused No.4 and 5. Thus there is criminal conspiracy between all the accused. Considering the commercial nature of Ketamine drug and it's impact on the young generation is also an additional ground to reject the application. Hence, I don't filed any merit in the application. Accordingly, I proceed to pass following order.

**ORDER**

Application stands rejected.

Panvel,  
Dated :- 21/08/2020

(N.B.Lavte)  
Ad hoc Asstt. Sessions Judge-1,  
Panvel-Raigad