

MHBU010013262023



IN THE COURT OF ADDITIONAL SESSIONS JUDGE, BULDANA

SPECIAL CASE NO. 74 OF 2023

Kisan Ananda Mandalkar,
Age-50 years, Occ.Labour,
R/o Deulgaon Raja, Tq.D.Raja,
Dist.Buldana ... Applicant

..Versus..

State of Maharashtra
Through D.G.P Buldana,
Through PSO Deulgaon Raja ... Non-applicant

ORDER BELOW EXH.7

(Passed on this 8th day of January 2024)

1] Instant bail application has been filed by applicants under Section 439 of Criminal Procedure Code for grant of regular bail inter-alia contending that Police Station Officer, Deulgaon Raja has registered Crime No.336/2023 relating to the offences punishable under Sections 8(b), 20(b)(ii)(k) of the N.D.PS.Act.

2] In brief, prosecution has alleged that PSI Sachin Kanade, Crime Branch,Buldana had lodged his report to the police station, Deulgaon Raja, Dist.Buldana inter-alia contending that applicant was found in possession of contraband (Ganja) of total quantity of 24.300 kilogram of total amount of Rs.2,91,000/- (Rs.Two Lakh Ninety One

Thousand) in his house. Incriminating material were seized as per law. After completing necessary formalities, crime was registered against applicant for the offence punishable for the offences as mentioned above. Consequently, applicant was arrested on 10.9.2023. After taking into magisterial custody remand, applicant has been detained in jail.

3] According to applicant, he has not committed any alleged offence. He has stoutly denied all the allegations made by prosecution. He is claiming to be innocent one. He is falsely implicated in the matter. In such situation, he is ready to abide the conditions, in case bail is granted to him.

4] Learned Public Prosecutor Shri Bhatkar has filed say to the bail application vide **Exh.8** and thereby strenuously opposed regular bail application by contending that serious allegations have been made against applicant. If applicant is released on bail, then he will misuse the same and will create hurdle in the progress of trial. There is no legal ground to allow the bail application. At last, it is requested for rejecting bail application.

5] I have heard learned Counsel Shri Ballal for applicant and learned Public Prosecutor Shri Bhatkar. Learned Counsel of applicant has relied on the judgment- **Raosaheb s/o Bhagwan Malwar & anotehr Vs.State of Maharashtra, Criminal Application (BA) No. 410/2023, decided by Hon'ble High court on 18.8.2023.** In said judgment, Hon'ble High Court noted that alleged seized material was not

“Ganja”. But, said fact and circumstances are not appearing in case in hand. As such, said citation is not in assistance to the applicant, with due respect.

6] In present case in hand, I have perused charge-sheet and other case papers. From the case papers, it appears that applicant was found in possession of contraband (Ganja) of total quantity of 24.300 kilogram of total amount of Rs.2,91,000/- (Rs.Two Lakh Ninety One Thousand) in his house. Said quantity of contraband appears to be in commercial quantity. Certainly, applicant appears to be not carrying it for his own consumption. It appears that he must be carrying the same for selling it to their customers. Perusal of record shows prima facie the involvement of present applicant in case in hand.

7] In above-described situation, if bail application is allowed, then certainly present applicant will misuse the bail and will create hurdle in the progress of trial. As such, it is not desirable to release applicant on bail. Therefore, having considered role of present applicant in alleged offence, bail application is liable to be rejected. In the result, following order is passed.

ORDER

Bail application (Exh.7) is rejected.

Buldana
Date: 8.1.2023

Sd/-
(R.N.Mehare)
Addl.Sessions Judge,
Buldana