

MHBU040004722021



ORDER BELOW EXH.95
(Passed on 10.5.2024)

Present bail application has been preferred by applicant/accused namely Narsing Oshanna Ramgiri (accused No.2), under Section 439 of Cr.P.C. for regular bail in connection with Crime No.49/2021 registered with Police Station Shivaji Nagar Khamgaon for the offence punishable under sections 20(b)(ii) of the NDPS Act.

2. Application has been resisted by the learned APP Mr.P.T. Lahudkar by filing say at Exh.96. It is contended that huge quantity of ganja i.e. 85 kg. & 650 gram found in the possession of accused persons. It is contended that the offence is very serious in nature. It is contended that applicant/accused is resident of Telangana State and if he released on bail, there is possibility of tampering the prosecution evidence and witnesses and he may be absconded. Moreover, if he released on bail then he will not attend the dates of this Court. He submitted that the charge is already framed and prosecution is ready to proceed with the matter. Hence, requested to reject the application.

3. Mr.S.S.Badgujar learned advocate for applicant/accused has submitted that applicant is ready to abide each and every condition of bail. He submitted that there is change in circumstances because the Hon'ble Bombay High Court Bench at Nagpur, has released the other

accused Atmaram Sable and Malkan Bassi on bail in this crime. Therefore, applicant is entitled to be released on bail on the ground of parity. There is no progress in the trial. Hence, he urged to release the applicant/accused on regular bail.

4. Learned APP Mr. P.T.Lahudkar, has argued as per the say vide Exh.96 and urged to reject the application.

5. I have considered the submission of both side. Perused the application, charge sheet and documents on record.

6. Perused the charge sheet and documents on record, huge commercial quantity of contraband substance i.e. ganja is found in possession of the applicant/accused. His previous bail application was rejected by this Court. There is no change in circumstances. There is prima facie observation of the Hon'ble Bombay High Court in the above mentioned order cited by the learned advocate for the applicant/accused. But the C.A. report placed on record shows that the seized muddemal is ganja. This Court has already framed the charge against all the accused on 7.7.2021. The learned APP has time to time given the evidence programme. But accused one by one submitting bail application or other application. Due to it, there is no progress in this matter. Considering all these aspects, I am not inclined to enlarge the applicant/accused on bail. Hence, following Order:-

ORDER

Application Exh.95 is hereby rejected.

Date : 10.5.2024

(G.B.Jadhav)
Special Judge Khamgaon,
Dist. Buldhana.

Certificate

I affirm that the contents of this P.D.F. file order are same,
word for word as per original order.

Name of Steno : Mrs. Nishat Anjum Mohd. Rafique.
Name of Court : Special Judge, Khamgaon.