

Bail order below Exh. 14 in
Special Case No. 94/2021

State of Maharashtra
Vs.
Pintu Ambadas Shinde
(Rural Police Station Osmanabad, Cr. No. 84/2021)

1] This is third bail application filed under section 439 of Cr.P.C for regular bail in Crime No. 84/2021 registered with Rural Police station Osmanabad, for the offence punishable under section 8(c), 20(b) and 29 of the N.D.P.S.Act.

2] The prosecution has contested application by filing their say at Exh. 17 and raised objection for releasing him on regular bail.

3] Heard both sides.

4] Advocate of applicant/accused has relied upon following citations.

- A) 2010 ALL SCR 968.
- B) Bail Appln.No. 752/2021 decided on 3/12/2021 by the Hon'ble Bombay High Court, Bench at Aurangabad
- C) Cri.Bail.Appln.No. 2644/2021 decided on 20/1/2022 by the Hon'ble Bombay High Court.
- D) Cri.Bail.Appln.NO. 2138/2017, decided on 14/11/2017 by the Hon'ble Bombay High Court.
- E) 2021 All MR (Criminal) 4405.

- F] Bail Appln.no. 2522/2013 decided on 25/3/2015 by the Hon'ble Bombay High Court.
- G] Bail Appln.No. 1329/2021 decided on 30/11/2021 by the Hon'ble Bombay High Court, Bench Aurangabad
- H) Bail Appln.No. 459/2021 decided on 23/11/2021 by the Hon'ble Bombay High Court.
- I] Bail Appln.No. 3035/2021 decided on 17/11/2021 by the Hon'ble Bombay High Court.
- J] Bail Appln.No. 31/2022 decided on 15/2/2022 by the Hon'ble Bombay High Court, Bench Aurangabad

5] After filing the charge-sheet, his earlier bail application Exh. 4 came to be rejected by this Court vide order dated 2/12/2021.

6] Thereafter, he has filed bail Appln. No. 1645/2021 before the Hon'ble High Court, which came to be withdrawal by him on **11/1/2022**, with liberty to make application for regular bail before this Court, if charge is not framed within the period of six months.

7] After getting such liberty from Hon'ble High Court, this application for regular bail came to be filed on **21/4/2022** i.e. within six month from the date of liberty. This court has framed charge against applicant/accused and co-accused on **13/6/2022**. Therefore, this application is pre-mature and against the liberty given by the Hon'ble High Court.

8] I have gone through the charge-sheet and documents placed on record. After considering the arguments of both sides and investigating papers, it is noted that, After perusal of FIR and investigation papers, it appears that, on 15/4/2021 applicant/accused and co-accused were caught by police while travelling from the car no. MH-03-BW-9056 at Yermala on Barshi-Latur road. Applicant/accused was sat on the front seat of the Car, whereas co-accused were on the rear seat. Statements of a members of raiding party i.e. police naik - Ganesh Patil, Sachin Morale, PHC- Sudhir Tugaonkar, Prakash Khandare, PC- Amol Gawali, Dipak Khandebharad and Jaishree Chavan etc, shows that after inquiry applicant/accused gave information that contraband article Ganja was kept in the Dickey of the Car. After giving the opportunity of search has provided under Section 50(1) of the N.D.P.S. Act, raiding party has found 27 Kilo and 989 gram Ganja total worth Rs. 2,79,890/- in the Dickey of Car. Statements of independent witness Rahul Deshmukh also corroborates to above things.

9] Police has seized Ganja 27 Kilo and 989 gram from the Car. It is commercial quantity. After drawing the sample, it was forwarded for Analysis. Report of C.A. shows that Ganja detected in the Sample.

10] There is bar u/s. 37(1)(b) of N.D.P.S. Act to release him on regular bail. Because there is sufficient material showing his involvement in the crime. If he is released on bail possibility

of his involvement in the similar nature of crime can not be ruled out. The possibility of his flee away or tampering with prosecution evidence also can not be ruled out.

11] After rejecting second bail application Exh. 4, vide order dated 2/12/2021, applicant/accused has approached before the Hon'ble High Court for regular bail. However, the Hon'ble High Court, expressed its disinclination to grant any relief to him. At that that time his counsel withdrawal said application. The points argued before this court, were also argued before Hon'ble High Court. But, applicant/accused has not get any relief. In these circumstance, now, I do not find any substance in the arguments and the grounds of bail argued before this Court. There is no any change in circumstance to file this bail application. On the contrary, it is pre-mature in the light of liberty given by Hon'ble High Court. In these circumstance, the case laws (cited supra) are not helpful to release him on regular bail.

12] In the conclude, applicant /accused is not entitled to release on regular bail. Hence, the order.

ORDER

Bail application is hereby rejected.

Date : 20/06/2022.

(V. G. Mohite)
Special Judge
Osmanabad.

C E R T I F I C A T E

I affirm that the contents of this PDF file Order/Judgment are same word to word as per the original Order/Judgment.

Name of Stenographer	S.B.Bansode (Grade-I)
Name of Court	Special Judge, Osmanabad
Date of order/Judgment	20/06/2022
Date of order/judgment signed by presiding officer.	20/06/2022
Judgment/Order uploaded on	20/06/2022

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