

**Bipin Kumar @ Sagar Saxena &
ors.**

Vs.

State of Maharashtra.

: Common Order below Exh. 259 & 272 :
(Dated 15th March, 2024)

The applicant/accused No.1 Bipin Kumar @ Sagar Saxena, accused No.2 Suresh Ganpati Deshmukh have taken out application U/s.439 of the Cr.P.C. for regular bail, in connection with Custom C.R. No. 2/2016, for the offences punishable U/Ss. 8 (c), r/w 20 (c), 25, 28 & 29 of the NDPS Act.

02 The applicants stated that they are in jail from last more than 7 years and 5 months. The investigation is completed and charge-sheet is filed. The trial is not yet started. They further stated that the Hon'ble Bombay High Court has granted bail to the co-accused namely Kishor Dattatray Surve, Sanjay Trambak Chandgude and Sandip Dhunay @ Sunny in Cri. Bail Application No.1417/2022, 315/2022 and 2088/2022. The Hon'ble Bombay High Court has granted bail to the said accused on the ground of prolong incarceration. They further stated that the role alleged present accused is similar to that of the aforesaid accused who are granted bail by Hon'ble High Court, therefore, present accused are entitled for bail on the ground of parity. They further stated that they are ready to abide by any condition imposed by this Court, if released on bail.

03 Heard ld. advocate Shri G. P. Mane for accused No.1 and ld. Advocate Mate for accused No.2. Ld. Spl. A.P.P. remained absent

and no argument is advanced. Read applications Exh. 259 & 273 and say of ld. APP at Exh. 273. Perused the documents on record.

04 On perusal of record it transpires that Hon'ble Bombay High Court has granted regular bail to the accused namely Kishor Dattatray Surve, Sanjay Trambak Chandgude and Sandip Dhunay @ Sunny in Cri. Bail Application No.1417/2022, 315/2022 and 2088/2022. The Hon'ble Bombay High Court has granted bail mainly on the ground of prolong incarceration of said accused, who are in jail for more than 7 years. However, on perusal of record it transpires that accused No.1 & 2 are main accused on whose instructions seized psychotropic substance were being manufactured. More so, there are other crimes of similar nature registered against accused No.1 Bipin Kumar Saxena, therefore, the role played by said accused Nos. 1 & 2 is much greater than the role alleged against other accused, so, rule of parity is not applicable. Thus, the accused are not entitled for bail. Hence, the order:-

ORDER

01. Applications (Exh. 259 & 273) are rejected.

Sd/- x x x

(J. A. Shaikh)

Special Judge, Baramati.

Date : 15.03.2024.

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

Name of Steno.	:-	V. S. Sonawadekar, Grade -1 Steno.
Court Name	:-	J.A. Shaikh Additional Sessions Judge, Baramati
Date	:-	15.03.2024.
order signed by P.O. on	:-	15.03.2024.
order uploaded on	:-	15.03.2024.