

: ORDER BELOW EXH.3 IN SPECIAL CASE NO.79/2025 :
(CNR No. MHRG15-000774-2025)
(Passed on 06.12.2025)

- 1) This is an application seeking a regular bail, made by accused no.1 **Sandip Dagadu Bharane**, concerning the offence punishable under section 8(c) and 20(b) of the the Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.90/2025 (Special Case No.79/2025) registered with Mahad City Police Station.
- 2) It is contended that the investigation is completed and charge-sheet has been presented to the Court. The previous bail application came to be rejected on 20.09.2025.
- 3) After presentation of the charge-sheet, this application is filed on the grounds that further detention of the accused is not necessary. The accused is innocent. There is no evidence to connect him with alleged crime. The accused is only earning member in the family. He is 68% differently able person. There are no criminal antecedents against him. He is ready to abide by all the conditions. In view of the ratio laid down by the Hon'ble Bombay High Court, the application may be allowed
- 4) Ld. A.P.P. for the State, opposed the application by filing say (Exh.7). It is contended that Cannabis – Ganja of 2 kg. 510 grams was found purchased by accused no.1 from the co-

accused. The muddemal came to be seized. The offence is of serious nature. On releasing the accused on bail, possibility of committing similar offence, cannot be ruled out. The accused would pressurize the witnesses. Hence, the application may be rejected.

5) Heard both sides and perused the record.

6) Ld. Advocate Mr. A. C. Bhate for accused, and the Ld. A.P.P. Mr. Y. A. Tendulkar for the State, iterated the contentions made in the application and say, respectively.

7) Ld. Advocate for accused would submit that the accused is a differently able person, the quantity is not commercial one. The accused has been in the custody for longer period. It is submitted that the accused is ready to abide by all the conditions.

8) Ld. Advocate for the accused would rely on the citations: (i) **Aryan Shah Rukh Khan and Ors. Vs. The Union of India and Ors., (MANU/MH/3757/2021)**. Wherein, **the Hon'ble Bombay High Court** was pleased to observe that *prima facie* conspiracy to commit the offence was not seen and therefore the accused were granted regular bail; and (ii) **Birbal Prasad @ Birbal Prasad Sah @ Birbal Prasad Sao @ Biral Sah Vs. State of Bihar, [2018 DGLS (SC) 289 (SUPREME COURT)]**. Wherein, **the Hon'ble Apex Court** was pleased to grant bail observing that the quantity

was not commercial one.

9) The Ld. A.P.P would submit that though the charge-sheet has been presented, considering the nature of the offence and role of the accused, he is not entitled to be released on bail.

10) It is seen that the quantity of the contraband is an intermediate quantity. The accused has been in the custody from 11.08.2025. The investigation is completed. Further detention of the accused is not must.

11) There are more than 100 Under Trial Prisoners waiting for hearing in their respective cases in this Court. It is not likely that this matter could be taken expeditiously and decided in near future.

12) All other aspects need not be gone into detail at this stage. All in all, the accused is entitled to be released on bail on certain conditions. Hence, the following order:-

: O R D E R :

- 1) The application is allowed.
- 2) Applicant-accused no.1 **Sandip Dagadu Bharane**, concerning the offence punishable under section 8(c) and 20(b) of the the Narcotic Drugs and Psychotropic Substances Act, 1985,

in Crime No.90/2025 (Special Case No.79/2025) registered with Mahad City Police Station, be released on Personal Bond of Rs.50,000/- (Rs. Fifty thousand only), with a surety in the like amount, on the following conditions:-

- (a) He shall not directly or indirectly make any inducement, threat or promise to any of the witnesses and shall not tamper the prosecution evidence.
- (b) He shall furnish his detail address, contact number, names and addresses of two relatives with their phone numbers, as per availability.
- (c) He shall not commit any offence.
- (d) He shall not leave India without permission of this Court.

Mangaon.
Date: 06.12.2025.

(S. T. Bhalerao)
Special Judge, Mangaon
Dist. Raigad.