

ORDER BELOW EXH.54 IN SPL.(NDPS) CASE NO.02/2019**(State of Maharashtra Vs. Laxman Jadhav & ors.)**

01. Heard Ld.Adv. Shri.S.S.Pawar, for applicant, Ld. Prosecutor Shri. L.K.Khade, for State. Perused application, say and record.

02. This is successive bail application filed by accused No.2 Shankar Vilas Jadhav U/s.439 of Cr.P.C. in this case which is registered on the basis of C.R.No.90/2019 registered at Satara City Police Station, for the offences punishable U/s.20(b)(ii)(c) of N.D.P.S. Act. Last bail application of present application Exh.34 was rejected on 21.11.2022.

03. From the record, it reveals that, accused No.1 Laxman Ankush Jadhav is released on bail in view of order passed by the Hon'ble Bombay High Court in Cri.B.A.No.2707/2019 on 20/01/2021. Record also shows that, present applicant also filed Cri.B.A. No.451/2021 before Hon'ble High Court, Bombay, which was withdrawn without expressing any opinion on merit by order of Hon'ble High Court dtd. 18/08/2021.

04. Further record shows that, prior to investigation, applicant filed application for releasing him on bail in C.R.No.90/2019, which was rejected on 06/03/2019 as investigation was in progress. After filing of charge-sheet in the present case, again both the accused moved common application below Exh.7, which came to be rejected by Ld. Predecessor on 27/05/2020. Thereafter, both the applicants moved application during

pandemic Covid-19 to release them on parole, as per the guidelines by the Hon'ble High Power Committee constituted by the State of Maharashtra. Same was also rejected on 28/05/2020 by my Ld. Predecessor. Thereafter accused Laxman Ankush Jadhav released on bail by the Hon'ble Bombay High Court. Present applicant filed application before this Court at Exh.27 for releasing him on bail. Same was also rejected on 04/03/2022. Then application (Exh.34) rejected on 21.11.2022. In this background, the present application is moved again. Now the matter is pending for hearing after framing charge.

05. According to the applicant, he is arrested on 08.02.2019 and now he is in MCR. By this application, it is alleged by him that, he is innocent and not committed any offence. The description of panchnama is not matching with C.A. report. From which it can be said that sample is tampered. He has no antecedents. He is permanent resident of given address and ready to abide all conditions. So, he be released.

06. Prosecution filed say at Exh.56 and objected the application alleging that this is third bail application after filing charge-sheet. Yet the C.A. report is not received, so matter could not be proceeded. Considering the huge quantity of seized ganja and mode of committing offence, accused is not entitled for bail. There are no change in circumstances after rejecting last application. Hence, application be rejected.

07. Now as per record, all his applications i.e.application moved before filing of charge-sheet and after filing of charge-sheet are rejected considering allegations that, present accused was allegedly found in conscious possession of Ganja-cannabis weighing about 86.100 kg., the quantity which is commercial. Thereafter there are no change in circumstances to consider the present application. So, present application is not at all tenable.

08. Allegations in the case are serious. Charge is already framed against both the accused. Matter is pending for hearing. But as per the record, there are several bail applications of this accused for hearing of which matter is prolonged, so trial could not be proceeded. In this background, if the accused is released, certainly, he will tamper the evidence and as discussed above, there are no change in circumstances after rejecting previous applications. So, following order is passed.

: ORDER :

- 1) Application is rejected.
- 2) Matter to proceed.

Date : 23.08.2023

**Kamala V. Bora,
Special Judge (Under NDPS Act)
Satara.**