

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.842 OF 2015

Sunil Manik Lohar	... Applicant
vs.	
The State of Maharashtra	... Respondent

Mr. Umesh Mankapure, for the Applicant.
Mr. D.B. Adsule, APP for Respondent – State.
Mr. S.M. Kore (API), Mhaswad police station, Pune present.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **JUNE 29, 2015**

P.C.:

. The application is moved for pre arrest bail as the applicant/accused is apprehending arrest in C.R. No. 26 of 2015 registered with Mhaswad police station, Satara for the offences punishable under Sections 8(k), 20(b) and 2(b) of the Narcotic Drugs and Psychotropic Substances Act (NDPS) and under Section 65 of the Maharashtra Liquor Prohibition Act.

2. The applicants/accused along with his mother and one Laxman are prosecuted for the selling of *ganja* which was found in total 0.714 gm. The learned counsel for the applicant/accused has submitted

that mother of the applicant/accused was arrested and she has given the information to the police that applicant/accused used to purchase *ganja* from accused No. 3 Laxman. Now accused Laxman is behind the bars. He submitted that considering the quantity of *ganja*, the applicant/accused is to be protected. He further submitted that all the details from where *ganja* is purchased is given by the mother of the applicant/accused and there is no reason for taking custody of the applicant/accused.

3. The learned prosecutor has opposed the application. He relied on the report and the statements of witnesses and also on the order passed by the trial Judge dated 4th June, 2015 rejecting the application.

4. Perused the first information report and the police report. The applicant/accused runs a grocery shop along with the co-accused, his mother. The quantity of *ganja* is less than 1000 gms. i.e. 0.741 gms. Therefore section 27 of NDPS Act will not come in the way of granting pre arrest bail. The quantity of *ganja* is assessed. So also the source from where the *ganja* is procured is known to the police. On instructions the learned prosecutor informs the Court that the applicant/accused does not have any antecedents. Hence, I am of the view that pre arrest bail can be granted.

5. Hence, I grant anticipatory bail as under:
- a) In the event of arrest, the applicant/accused be enlarged on bail on furnishing P. R. Bond in the sum of Rs. 20,000/- (Twenty Thousand) with one or two solvent surety/s in the like amount;
 - b) The applicant/accused shall attend the concerned police station once in a week on every Saturday in between 5.00 pm to 7.00 pm till filing of the charge-sheet.
 - c) He shall not indulge in any criminal activity.
6. Anticipatory bail application is disposed of on the above terms.

(MRS.MRIDULA BHATKAR, J.)