

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL APPLICATION (BAIL) NO. 191 OF 2016

SAISH MANOHAR VASWADE, PRESENTLY
LODGED IN JUDICIAL CUSTODY, REP.
BY SUDHA MANOHAR VASWADE.,

... Applicant

Versus

THE STATE OF GOA, THR. THE POLICE
INSPECTOR, ANTI NARCOTICS CELL,
PANAJI.,

... Respondent

Mr. Ryan Da Piedade Menezes and Ms. C. Rebeiro, Advocates for
the applicant.

Mr. P. Faldessai, Additional Public Prosecutor for the respondent.

Coram:- C. V. BHADANG, J.

Date:- 23rd September, 2016

P.C.

The applicant has been arrested for the offence punishable under Section 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substance Act, 1985 (NDPS Act, for short), on the allegation of having found in possession of 2.660 Kgs of Ganja worth Rs.1,25,000/- in a house search. The Investigation is stated to be in progress. The learned Special Judge has rejected the application for bail only on the ground that the applicant is not shown to have a permanent residential address in Goa.

2. I have heard the learned Counsel for the applicant and the learned Additional Public Prosecutor for the respondent.

3. The quantity allegedly seized from the applicant is variable quantity. The rigour of Section 37 of the NDPS Act does not apply in this case. The applicant is a local resident and only because the applicant is residing in a house, which is obtained on Leave and Licence basis, would not be a sufficient ground to deny bail. In so far as the apprehension of tampering with the prosecution evidence or witnesses is concerned, in the first place, there are no circumstances stated, which can be the basis of the apprehension. Secondly, the apprehension can be taken care of, by imposing appropriate conditions. There are no previous similar cases, in which the applicant is said to be involved.

4. In such circumstances, the following order is passed :

(i) The application is allowed.

(ii) The applicant be released on bail on executing a P. R. Bond in the sum of Rs.25,000/-, with one or two solvent sureties in the like amount.

(iii) The applicant shall not tamper or influence the prosecution evidence or witnesses and shall co-operate with the Investigating Agency as and when required.

(iv) The applicant shall attend the Investigating Officer twice a week i.e. on Monday and Thursday between 10.00 a.m. to 1.00 p.m. and as and when required by the Investigating

Officer, till the completion of the investigation.

(v) The applicant shall not indulge into any similar offence.

(vi) Bail Bonds to be furnished before the learned Special Court.

(vii) Parties to act on the authenticated copy of the order.

C. V. BHADANG, J.

SMA