

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION No.66 OF 2016

Shamsuddin Ainuddin Pinjari .Applicant

Vs.

The State of Maharashtra .Respondent

Ms Pooja R. Singh i/b. Mr.N.R.Bubna, Advocate, for
the Applicant

Mr.A.Sait, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 11.03.2016

P.C.

. Heard learned counsel for the Applicant
and the learned APP for the Respondent – State.

2. By this Application, the Applicant seeks
his enlargement on bail in connection with C.R.No.
II-19 of 2015, registered with the Pawarwadi Police
Station, Malegaon, District – Nasik, for the
alleged offences punishable under Sections 20 & 29
of the Narcotic Drugs And Psychotropic Substances
Act, 1985 (For short "N.D.P.S." Act).

3. On receiving secret information, the Complainant and others went to the house of the Applicant on 16.07.2015. The Applicant was present in the house and on search being conducted, 7 Kgs of ganja and cash of Rs.47,450/- was found, which came to be seized. Pursuant to the seizure, the present Applicant as well as another co-accused, who was present in the house were arrested.

4. Learned counsel for the Applicant submits that the quantity which was seized is a non-commercial quantity, i.e. a quantity lesser than the commercial quantity. She submits that since charge-sheet has been filed in the said case, the Applicant be enlarged on bail. She submits that the Applicant is also suffering from AIDS.

5. Learned APP opposes the Bail Application. He submits that although, the seizure of 7 Kgs of ganja is not a commercial quantity, the alleged offence is punishable with imprisonment for a term

which may extend to ten years, and with fine which may extend to one lakh rupees. He submits that the Applicant has an antecedent, inasmuch as, the Applicant is involved in a case registered in 2012 in Aurangabad, for a similar offence under the N.D.P.S.Act.

6. Perused the charge-sheet. It appears that the Applicant was present in his house, at the time of the raid, when 7 Kgs of ganja was seized from his house alongwith cash. Although the seizure of 7 Kgs ganja is not a commercial quantity, nevertheless the offence is punishable with imprisonment for a term which may extend to ten years, and with fine which may extend to one lakh rupees. It also appears that the Applicant was involved in a similar offence, which was registered in 2012, although he was arrested in that CR, after his arrest in the present C.R..

7. Considering the quantity and that the Applicant was involved in a similar case, this is not a fit case to enlarge the Applicant on bail, at this stage. Accordingly, the Bail Application stands rejected. However, if for any reason, not attributable to the Applicant, the trial of the Applicant does not conclude within one year, the Applicant is at liberty to renew his prayer.

8. As far as bail on the medical ground is concerned, there is no prayer in this Application. The Applicant is at liberty to file an appropriate Application, seeking bail on medical grounds, if the need so arises. It is made clear, that this Application has been heard and considered only on merits. If an Application for bail on medical grounds is filed, the learned Judge shall consider the same, on its own merits uninfluenced by the observations made in this order.

(REVATI MOHITE DERE, J.)