

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 198 OF 2016

Rahul Atul Maji ... Applicant

Vs.

The State of Maharashtra & Anr. ... Respondents

Ms. Mansha Khemka i/b. Khemka & Associates, Advocate for the applicant.

Mr. S.H. Yadav, APP for the State.

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: 2nd April, 2016.

P.C.:

This Application is moved by the applicant/accused for modification of the order dated 2nd November, 2015 which is passed by learned Additional Sessions Judge, City Civil Court, Greater Mumbai. By the said order, the applicant/accused, who is prosecuted for the offence under NDPS Act, is granted bail, however, imposed condition that the applicant shall furnish P.R. Bond of Rs.40,000/- with one or more sureties of like amount.

2. Earlier the Application was moved before the learned Additional Sessions Judge, City Civil Court, Greater Mumbai for modification of this condition, as it was not possible for the applicant/accused to give solvent surety of Rs.40,000/-. It is pointed out that the Application moved before the learned Additional Sessions Judge was rejected by the order dated 19th

January, 2016. Hence, this application.

3. The learned counsel for the applicant/accused has pointed out only 19 gms M.D. Powder, i.e. mephedrone was found with him and commercial quantity is 50 gms. and small quantity is 2 gms. She submitted that because of the financial condition of the applicant/accused, it is not possible to avail of the bail so it is as good as denial of the bail.

4. The learned APP opposed the Application and submitted that it is an offence under NDPS Act, so the order passed by the learned Additional Sessions Judge is correct.

5. Considered the submissions of both the parties and perused the order passed by the learned Additional Sessions Judge. Considering the facts of the case, the modification can be only upto to the tune of Rs.40,000/- with one solvent surety of the like amount. Other conditions will remain the same.

6. Application stands disposed of.

(MRIDULA BHATKAR, J.)