

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 1157 OF 2017

Mohammad Wasim Salim **....Applicant**

Versus

The State of Maharashtra **....Respondents.**

Mr. G.A. Kulkarni h/f. Mr. Rajendra S. Deshmukh, Advocate for applicant.

Mr. K.N. Lokhande, APP for respondent.

CORAM : T.V. NALAWADE, J.
DATED : 20th March, 2017.

ORDER :

1. The application is filed for bail. Both the sides are heard.

2. Chargesheet is filed against the present applicant for the offence punishable under section 20 of the Narcotic Drugs and Psychotropic Substances Act (NDPS Act). On 9.10.2016 when police effected raid on the residential place of the applicant, they recovered Ganja weighing 900 grams from the possession of the applicant. Since then the applicant is behind bars.

3. It appears that the previous application which was filed by the applicant for bail in this Court before filing the chargesheet was withdrawn. The submissions made show that there are no bad antecedents and no similar crime was registered in the past against the applicant. The quantity of Ganja found in possession of the applicant was not commercial quantity and so, there will be no bar of provision of section 37 of the aforesaid Act to grant the bail. This Court holds that for giving an opportunity to improve, the bail needs to be granted to the applicant. It is also not certain as to how many months he will be required to be kept behind bars for the disposal of the case.

4. In the result, the application is allowed. The applicant is to be released on bail on his furnishing PR and SB of Rs. 50,000/- with one solvent surety of like amount. He is not to tamper with the prosecution witnesses. He is not to commit similar offence.

[T.V. NALAWADE, J.]

ssc/