

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 1620 OF 2017

Vakil Husein Shaikh .. Applicant
Age. 21 years, Occ. Labourer,
R/o. Mendha, Tq. & Dist. Osmanabad.

Versus

The State of Maharashtra .. Respondent

Mr.S.J. Salunke, Advocate for the applicant.
Mr.M.M. Nerlikar, A.P.P. for respondent/State.

CORAM : T.V. NALAWADE, J.
DATED : 07.04.2017

P.C. :-

1. This application is filed for bail. Both sides are heard.

2. The papers of investigation show that on the basis of specific information received by police that some persons were to come at particular place from AUSA to sell Ganja, action was taken and police kept watch on the spot. They noticed that three persons including present applicant came there. Present applicant was having Ganja weighing 3.5 kg. The Ganja came to be seized. Present applicant and his two associates, namely, Samir Shaikh and Dhondiram Bansode were taken into custody on 18.02.2017 itself.

3. It is submitted by learned A.P.P. that present applicant is in habit of selling Ganja. But no such case was filed in the past. It appears that father of Samir Shaikh is a history sheeter and he was indulged in same activities in the past also. The record shows that co-accused are already granted bail. Learned Counsel for the applicant submits that Ganja seized is not commercial quantity thought it is more than small quantity. He placed reliance on Jagan Parasram Chavan Vs. The State of Maharashtra, 2014 ALL MR (Cri) 4589.

4. In view of the circumstance that the applicant is behind the bar since 18.02.2017, this Court holds that bail can be granted to the applicant.

i. The application is allowed.

ii. The applicant be released on bail on his furnishing PB & SB of Rs.30,000/- (Rupees Thirty Thousand) in connection with Crime No.52 of 2017 registered at AUSA Police Station, Dist. Latur, for the offence punishable under sections 20(b)(ii)(B) of the NDPS Act, 1985.

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iii. The applicant is not to tamper with the prosecution witnesses.

iv. The applicant is not to commit similar offence.

[T.V. NALAWADE, J.]

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