

Anand

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

BAIL APPLICATION NO.859 OF 2017

Farman Jahur Sain

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr.S.R.Phanse, Advocate, for the Applicant

Mr.Prashant Jadhav, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 13.06.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.9 of 2017 registered with the Kalamboli Police Station, District - Raigad, for the alleged offences punishable under Section 8C and 22 of the Narcotic Drugs And Psychotropic Substance Act.

3. Learned counsel for the Applicant states that the Applicant has been falsely implicated in the said case. He submits that the Applicant was working as mechanic in an Automobile garage at the relevant time. He submits that no offence as alleged

is disclosed qua the Applicant. He submitted that the allegation as against the Applicant is that he was carrying M.D. powder in a white plastic bag. According to the learned counsel, the said powder was not a narcotic or a psychotropic substance. He further submits that the Applicant has no antecedents.

4. Learned APP has produced the C.A.report dated 11.04.2017. The powder which was seized from the Applicant after examination shows, no presence of narcotic drugs, like Methaqualone (MTQN), Morphine, Heroin, Cocaine, Alprazolam, Lorazepam Nitrazepam, Diazepam, Mephedrone and Ketamine. However, Benzydamine was detected in the exhibit. Learned APP does not dispute the fact, that the Applicant has no antecedents.

5. In view of the statement made by the learned APP and the C.A. report, the Application is allowed and the Applicant is enlarged on bail on the following terms & conditions:-

O R D E R

(i) The Applicant be enlarged on bail, on executing PR Bond in the sum of **Rs.15,000/-** with one or two sureties in the like amount;

(ii) The Applicant shall attend the concerned police

station as & when called for by the investigating officer.

6. The Application is allowed in the aforesaid terms and is accordingly disposed of.

7. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)