

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1877 OF 2017

ABUBAKER MOHAMMED DUDUKE)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Mr.Ranjeet Patil, Advocate for the Applicant.

Ms.PPShinde, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 7th NOVEMBER 2017

P.C. :

1 The applicant / accused in Crime No.79 of 2016 registered with Police Station Mumbra, District Thane, for offences punishable under Sections 8(c), 20 and 22 of the Narcotic Drugs and Psychotropic Substances Act (NDPS Act) by this application, is seeking his release on bail, during pendency of his trial.

2 Heard the learned advocate appearing for the applicant / accused as well as the learned APP appearing for the

State. The learned advocate appearing for the applicant / accused drew my attention to the First Information Report (FIR) lodged by Police Nayak Vikrant Palande and argued that according to the prosecution case, as reflected from the FIR, the applicant / accused was found in possession of ganja weighing 1410 gms. However, the panchnama shows that the prosecuting agency did not weigh the ganja, and therefore, there is contradiction in the case of the prosecution.

3 The learned APP opposed the application by contending that the applicant / accused has criminal antecedents.

4 Section 37 of the NDPS Act makes it clear that an accused involved in offence punishable under the said Act can be released on bail only when the court is satisfied that there are reasonable grounds for believing that he is not guilty of the said offence and that he is not likely to commit any offence while on bail. In the case in hand, it is pointed out by the learned APP that the applicant / accused was on bail in Crime No.104 of 2014 for

offences punishable under Sections 8(c), 20 and 22 of the NDPS Act, and at that time, he was found to be in possession of ganja weighing 1 kg. and 220 gms. While on bail, the applicant / accused is again apprehended while committing similar offence. In this view of the matter, this court is not assured of the fact that, if released on bail, the applicant / accused is not likely to commit any offence. Apart from this, the applicant / accused is also arraigned as an accused in Crime No.265 of 2016 for offence punishable under Section 326 of the IPC read with Section 34 thereof.

5 In this view of the matter, the application is devoid of merits and the same is rejected.

6 The learned trial court is requested to expedite the trial, considering the fact that the applicant / accused is an under-trial accused.

(A. M. BADAR, J.)