

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRI. APPLICATION (BA) NO. 638 OF 2017

(PRASHANT SHIVDAS CHAPDE...VS.. STATE OF MAH.THR.P.S.O., CHANDRAPUR CITY)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A.D.Hazare, Advocate for Applicant.
Shri A.D.Sonak, A.P.P. for Non-applicant.

CORAM : Z.A.HAQ, J.

DATED : JULY 17, 2017.

Heard.

The applicant is arrested on 10th January, 2017 in connection with Crime No.77 of 2017 registered for the offence punishable under Sections 8(c), 21, 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985. According to the Investigating Agency, contraband substance (Heroin) weighing 5.19 grammes is seized from the applicant.

The learned advocate for the applicant has referred to the orders passed by this Court on Criminal Application (BA) No. 347 of 2017 and Criminal Application (BA) No.367 of 2017 by which it is directed that the co-accused Sk. Faiyaz and Nainesh @ Lala be released on bail and has submitted that though it is recorded in the above mentioned order that the contraband substance was not seized from those accused, one of the factors which weighed with this Court while directing release of the above referred accused on bail was the report of Forensic Science Laboratory which shows that out of the entire quantity seized from the applicant Heroin was found to be 1.45%.

Be that as it may, the investigation is complete and charge-sheet is filed on 07/03/2017. The non-applicant has not been able to point out that custody of the applicant is required for further investigation. The non-applicant has not expressed any apprehension that if the applicant is released on bail there is a chance that the applicant may indulge in similar crime again.

The applicant, aged about 27 years, claims to be a labourer and has stated that he is not involved in any other crime/ offence.

Considering the facts of the case, following order is passed:

The applicant, having been arrested in connection with Crime No.77 of 2017, registered by the non-applicant, he be released on bail on executing P.R. Bond for Rs.Twenty Five Thousand and furnishing one solvent surety in the like amount.

The application is **allowed** in the above terms.

JUDGE