

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

CRIMINAL APPLICATION (BA) NO. 639 OF 2017

(SHEIKH SADDAM S/O SHEIKH USMAN...VS.. STATE OF MAH. THR. P.S.O. PS DHARNI,
DIST.AMRAVATI)

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

Court's or Judge's orders

Shri A. K. Bhangde, Advocate for Applicant.
Shri V. A. Thakre, A.P.P. for Non-applicant.

CORAM : Z.A.HAQ, J.
DATED : 17th JULY, 2017.

Heard.

The applicant is arrested on 4th March, 2017 in connection with Crime No.127 of 2017 registered against three persons (including the applicant) for offence punishable under Sections 20, 25 and 27 of the Narcotic Drugs and Psychotropic Substances Act, 1985. The accusations against the applicant are that he handed over 12 kgs 32 grammes Ganja to co-accused Mehaboob Khan, and Ganja was seized from the house of co-accused Mehboob Khan.

The application is opposed on the ground that there is ample material available with the Investigating Agency to show the involvement of the applicant in the commission of crime. It is pointed out that the applicant is habitual offender and two crimes for offences under Indian Penal Code are registered against him.

The learned advocate for the applicant has submitted that charge-sheet is filed on 2nd May, 2017 and the non-applicant has not been able to point out that further custody of the applicant is required for investigation. It is argued that considering the fact that the quantity of Ganja seized from the co-accused Mehboob Khan is less than 20 kgs. which is considered as “commercial quantity” as per Section 2(vii)(a) of the Act, this Court has directed that co-accused Mehboob Khan be released on bail.

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

The applicant having been arrested in connection with Crime No.127 of 2017 registered by the non-applicant, he be released on bail on furnishing cash security of Rs.50,000/- and two solvent sureties for the amount of Rs.25,000/- each.

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

JUDGE

PBP