

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

CRIMINAL APPLICATION (BA) NO.1243/2017

Mohd. Rafique s/o Mohd. Hamja

..vs..

State of Mah., thr. PSO PS Pinjar, Tahsil Barshitakli, District Akola

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

Court's or Judge's Order

Shri U.J. Deshpande, Counsel for the applicant.

Shri Amit Madiwale, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : DECEMBER 21, 2017.

1. Heard learned counsel Shri U.J. Deshpande for the applicant and learned Additional Public Prosecutor Shri Amit Madiwale for the State.

2. The applicant is claiming bail since he is arrested in connection with Crime No.142 of 2017 registered with Police Station Pinjar, Tahsil Barshitakli, District Akola for the offence punishable under Section 20(B)(2) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. The applicant is arrested on 14.9.2017. The investigation is already over and the charge-sheet is already filed.

4. Learned counsel Shri U.J. Deshpande for the applicant submits that even according to the prosecution, contraband i.e. Ganja that is seized is 6.832 Kilograms. He

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submits that even assuming for the sake of argument that this Ganja was seized from the present applicant, the said is much less than the commercial quantity. He has placed reliance on the decision of this Court in the case of Uttam s/o Dhaniram Barman .vs.. State of Maharashtra, reported at 2006(1) All Mr. Cr. 794 and has submitted that the facts of the present case and the facts in the aforesaid reported case cited *supra* are nearly identical.

5. In view of the fact that the charge-sheet is already filed and that Ganja which is seized is weighing 6.832 Kilograms, it can be seen that the said possession was not for commercial purpose.

6. The applicant is having clean past record at his credit. In view of the said aspect and in view of the law laid down in the case cited *supra*, the applicant is entitled to be released on bail. Hence, I pass the following order:

ORDER

(i) The criminal application is allowed.

(ii) Applicant Mohd. Rafique s/o Mohd. Hamja, be released on bail on his executing a P.R. Bond in the sum of Rs.1.00 lac (rupees one lac only) with two solvent sureties of the like amount in connection with Crime No.142 of 2017 registered

with Police Station Pinjar, Tahsil Barshitakli, District Akola for the offence punishable under Section 20(B)(2) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

(iii) The applicant shall report to the police station twice in a week in between 1:00 p.m. and 5:00 p.m. i.e. on every Monday and every Thursday, till the Trial is over.

(iv) The applicant shall not tamper with the prosecution witnesses.

(v) With this, the criminal application is allowed and disposed of.

JUDGE

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