

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL APPLICATION (BAIL) NO. 116 OF 2018

**GIAN SEALY, PRESENTLY AT CENTRAL
JAIL COLVALE.,**

... Applicant

Versus

**STATE, REP. BY OFFICER-IN-CHARGE,
CANACONA POLICE STATION, CANACONA
AND ANR.,**

... Respondents

**Adv. Kamlakant Paulekar with Adv. Y. Kotkar for the Applicant.
Mr. S. R. Rivankar, Public Prosecutor for the Respondent.**

Coram:- C. V. BHADANG, J.

Date:- 19th April 2018

P.C.:

This is an application for bail.

2. The applicant has been arrested in connection with investigation of offence at Crime No.132/2017 registered with P.S. Canacona for the offence punishable under section 22 (C), 20(b)(ii)(A) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. The prosecution case is that a raid was conducted on 18/12/2017 between 12.15 hours to 14.10 hours near Brahma Math, Colomb Canacona, Goa, where the applicant was found in possession of (i) 16 grams of Charas, (ii) 144 grams Hashish

extract and (iii) Two perforated sheets weighing 0.290 grams, suspected to be LSD. The seized contraband according to the prosecution is worth Rs.2,16,000/- approximately.

4. On hearing the learned counsel for the applicant and the learned Public Prosecutor it transpires that the contraband Charas and Hashish extract allegedly seized from the applicant are not of commercial quantity. In so far as the two perforated sheets (which are suspected as LSD) are concerned, looking to the weight of the two sheets it was found as 0.290 grams, it would come within the commercial quantity provided the perforated sheets test positive for LSD. Prima facie at this stage neither the two perforated sheets were tested with the aid of a local kit nor there is a CFSL report to indicate that the two perforated sheets were smeared with LSD. The reply filed by the respondent shows that the seized drug was forwarded to CFSL, Hyderabad. However, the same has been returned by CFSL, Hyderabad for the reason that the laboratory does not have the standard reference material of LSD and hence analysis of LSD is not possible. The reply further shows that now letters have been sent to the Director, Central Forensic Science Laboratory, New Delhi and Forensic Science Laboratory, Karnataka to ascertain whether these laboratory can conduct the examination of suspected LSD. However, the reply is awaited.

4) Prima facie it can thus be seen that at this stage there is no material to show that the two perforated sheets are indeed shown to be positive for presence of LSD. This Court in similar circumstances in Criminal Application (Bail) NO.75 of 2018 (Mr. Serguies Victor Manka and anr. Vs. State) decided on 21/3/2018 has granted bail on certain conditions. Considering the fact that prima facie at this stage there is no material to indicate that the contraband seized is LSD, I find that the application will have to be allowed subject to conditions. In the result the following order is passed:

ORDER:

(i) The applicant shall be released on bail on execution of a P.R. Bond in the sum of Rs.50,000/- (Rupees Fifty thousand only) with one surety in the like amount.

(ii) The applicant shall furnish his local address as well as address of his native place, along with proof, before the learned Special Court.

(iii) The applicant shall surrender his passport before the Investigating Officer.

(iv) The applicant shall attend the Investigating agency on every Monday between 10a.m. to 1p.m. and as and when required by

the investigating officer.

(v) The applicant shall cooperate with the investigating agency and shall not interfere or tamper with the prosecution witnesses or evidence, in any manner.

(vi) The applicant shall not commit any offence, while on bail.

(vii) In the event of breach of any of the conditions, the bail is liable to be canceled.

(viii) Liberty to the prosecution to move for cancellation/modification on receipt of the report of the chemical analyzer.

(ix) The Bail Bonds to be furnished before the learned Special Judge.

C. V. BHADANG, J.

ap/-