

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL APPLICATION (BAIL) NO. 286 OF 2018

PARSHURAM PAWAR, PRESENTLY AT
CENTRAL JAIL, COLVALE, THR. DOLLY
@ DHALLI PAWAR.,

... Applicant

Versus

STATE OF GOA, THR. PUBLIC
PROSECUTOR AND ANR.,

... Respondents

Adv. Vibhav Rajiv Amonkar for the Applicant.

Mr. S. R. Rivankar, Public Prosecutor for the Respondent.

Coram:- C. V. BHADANG, J.

Date:- 10th October 2018

Oral Order:

This is an application for bail.

2. The applicant has been arrested on 9/5/2018 in connection with the investigation of Crime No.96/2018 of P.S., Panaji for allegedly having been found in possession of 1.100kg of "grass like substance" suspected to be Ganja . The report of the chemical analyzer is yet to be received. Admittedly, the quantity which has been allegedly seized from the possession of the applicant is a variable quantity and as such, the rigors of section 37 of the N.D.P.S. Act are not applicable in this case. It appears from the order dated 31/8/2018 passed by the learned Special

Judge, that the only reason why the learned Special Judge has refused to grant bail to the applicant is that the applicant does not have a proper address nor Aadhar card of his native place. The applicant is hailing from Maharashtra.

3. It is submitted by the learned counsel for the applicant that the applicant is working as a labourer in Goa and his children are studying in Goa. The learned counsel for the applicant has produced the birth certificate of his children along with the school identity card on record.

4. The applicant has also produced aadhar card of his wife as well as the election card of his mother who is shown to be the resident of Badalkot, District Solapur, Tehsil Pandarpur. Time was granted to the investigating Officer to verify the aadhar card and the election identity card.

6. Shri Rivankar, the learned Public Prosecutor submits that the aadhar card of the wife of the applicant and the election card of his mother has been verified.

7. Considering the overall circumstances and further having regard to the fact that the quantity allegedly seized from the applicant, is a variable quantity, where the rigors of section 37 of the N.D.P.S Act are not applicable, I find that the applicant

can be released on bail on certain conditions. Hence 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 two sureties of Rs.25,000/- each, out of which at least one surety shall be a local surety.

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

(iii) The applicant shall not leave the State of Goa without prior permission of the learned Special Judge.

(iv) In the event of breach of any of the conditions the bail is liable to be cancelled.

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

C. V. BHADANG, J.

ap/-