

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

229 CRIMINAL REVISION APPLICATION NO. 167 OF 2005

Ratanlal Premasukhdas Tawari

Versus

The State of Maharashtra

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None present for the applicant

APP for Respondents-State: Mr. B.V. Virdhe

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CORAM : V. K. JADHAV, J.

DATED : 18th JANUARY, 2019

ORAL JUDGMENT:-

1. None present for the revision applicant.
2. It appears that the learned Magistrate has granted the bail to the applicant/original accused in connection with Crime No. 37 of 2004 for the offence punishable under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (here-in-after referred to as 'NDPS Act'). The learned Magistrate has released the present applicant/original accused on bail with the observations that the offence is bailable and therefore the applicant has right to release on bail.
3. Being aggrieved by the same, the State has preferred the Criminal Revision Application No. 268 of 2004 and the learned 1st Ad-hoc Additional Sessions Judge, Jalgaon by

order dated 11.05.2005 allowed the application, quashed and set aside the order passed by the Magistrate and directed the accused to surrender before the concerned Court with the observations that the offence charged against the applicant/original accused is non-bailable and in terms of the provisions of Section 37 of the NDPS Act, the applicant/accused cannot be released on bail in the manner in which the Magistrate has dealt with the applicant and released him on bail by misconstruing the provisions of the NDPS Act. Being aggrieved by the same, the applicant/accused has preferred this Criminal Revision Application.

4. I do not find any fault in the order passed by the learned Additional Sessions Judge, Jalgaon. By order dated 06.07.2005, this Court has granted interim bail to the applicant. This particular matter is concerned with the Crime No. 37 of 2004. I do not think that if the charge sheet is submitted in connection with the said crime, the case is still pending. There is no point to keep this Criminal Revision Application pending. If at all the case is still pending, then in terms of the interim order passed by this Court releasing the applicant on bail would remain continue till the disposal of the case and in case, the case is disposed of, this Criminal

Revision Application has become infructuous. Thus, with these observations, the Criminal Revision Application is disposed of accordingly. Rule discharged.

(V. K. JADHAV, J.)

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