

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Criminal Bail Application No. 1937 OF 2019

Devdas Bannu Netale

...Applicant

Versus

The State Of Maharashtra

...Respondent

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Mr. Shrinath Raju Mate i/b. Raju L. Mate, Advocate for the Applicant.

Mr. Prashant Jadhav, APP, for the Respondent-State.

Mr. S. S. Magdum, Police Naik-174, Ichalkaranjee Police Station is present in Court.

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CORAM : SARANG V. KOTWAL, J.

DATE : 15th OCTOBER, 2019

P.C.

1. The applicant is seeking his release on bail in connection with C.R. No.70/2019 registered at Ichalkaranjee Police Station on 15.3.2019 for the offence under Sections 20 and 8(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as the 'NDPS Act').

2. The applicant was arrested on 15.3.2019 and since then he is in custody. The investigation is over and the charge-sheet is filed.

3. The FIR is filed by A.P.I. Satish Shinde. He has stated

that on that day he received a secret information that one person was about to come near burial ground for selling ganja. Information was taken down in writing. The report and copy of the information was given to his superiors, arrangements were made to conduct raids, panchas were called and all of them went to the spot. At about 3:00 p.m., according to the information, one person came there with a plastic bag. He was informed about his rights under Section 50 of the NDPS Act. Search was conducted and it was found that he was having 1 kg 522 gms of ganja. He was arrested and the FIR was lodged. The charge-sheet contains the statements of the raiding party members and the panchas. They corroborated the statements in the FIR.

4. Heard Shri Mate, learned Counsel for the applicant and Shri Prashant Jadhav, learned APP for the State.

5. Learned Counsel for the applicant submitted that even assuming that the case to be true, since the contraband was less than the commercial quantity and since the applicant is in custody since March, 2019, he deserves to be released on bail.

6. Learned A.P.P. opposed this application. He relied on the

statements in the charge-sheet.

7. I have considered all these submissions. The ganja, which was found with the applicant, was 1 kg 522 gms, which is less than the commercial quantity prescribed under the Schedule of the NDPS Act. In this view of the matter, there is no impediment under Section 37 of the NDPS Act to grant bail to the applicant. Therefore, I am inclined to grant bail to the applicant. Hence, the following order :

ORDER

- (i) The applicant is directed to be released on bail in connection with C.R. No.70/2019 registered at Ichalkaranjee Police Station on his furnishing a P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)