

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 1034 OF 2019

Mayur Kartik Sarkar .Applicant

Vs.

The State of Maharashtra & anr. .Respondent

Mr. Harshvardhan Salgaonkar a/w Mr. Samir Singh i/b. Mr. Somnath Iyer, Advocate, for the Applicant

Mr. S. V. Gavand, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 27.06.2019

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C. R. No. 319 of 2018 registered with the Vashi Police Station, Navi Mumbai, for the alleged offence punishable under SectionS 8(c) and 22 of the Narcotics Drugs And Psychotropic Substances Act.

3. Perused the papers. According to the Complainant – Rajesh Gadhve, he received a phone call from a secret informer on 03.08.2018

informing him that at 5.00 p. m., the Applicant will arrive near old Vashi bridge for selling brown sugar. On receipt of the information, the same was reduced into writing and accordingly, a trap was laid. The Applicant was found in possession of 19 grams of brown sugar (heroin), pursuant to which he was arrested. After investigation, charge-sheet was filed. Admittedly, quantity seized from the possession of the Applicant is intermediate quantity. It is not in dispute that the C. A. Report dated 28.09.2018 shows that what was seized contained 11% Heroin (Diacetylmorphine) along with other opium alkaloids. Admittedly, whether or not the quantity is a small quantity as contained by the learned counsel for the Applicant or intermediate quantity is a matter which will be decided by the trial Court. The Applicant has no antecedents. Investigation is complete and charge-sheet is filed.

4. Having regard to the aforesaid, the Application and the Applicant is enlarged on bail on the following terms & conditions :-

ORDER

(i) The Applicant be enlarged on bail, on executing P. R. Bond in the sum of **Rs. 25,000/-** with one or two local sureties in the like amount;

(ii) The Applicant shall report to the investigating officer of the concerned police station on the first Monday of every month between 10.00 a. m. and 11.00 a. m. till the conclusion of trial;

(iii) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(iv) The Applicant to cooperate with the conduct of the trial;

(v) The Applicant to file an undertaking with regard to clauses (ii) to (iv), in the trial Court, within two weeks of his release;

(vi) If there are two consecutive defaults either in attending the Police Station or in appearing before the trial Court, or breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the Applicant's bail.

5. The Application is allowed in the aforesaid terms and is accordingly disposed of.

6. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits,

in accordance with law, uninfluenced by the observations made in this order.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)