

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

Criminal Application (BA) No. 302 of 2019
(Onkar s/o Abhiman Mohite Vs. State of Maharashtra)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A. S. Londhe, Advocate for the applicant
Shri A.R. Chutke, APP for the State/non-applicant

CORAM : M. G. GIRATKAR, J.

DATED : 02/05/2019

Heard learned Advocate Shri Londhe for the applicant.

The applicant was found in possession of ganja weighing about 58 Kg. 100 gm.

Shri Londhe, learned Advocate for the applicant pointed out the judgment of Hon'ble Apex Court in the case of *Union of India vs. Rattan Mallik @ Habul reported in 2009 Cri.L.J. 3042*, it was observed by the Hon'ble Apex Court that "*Plea that observation by Judge that nothing has been found from his possession by itself shows application of mind tantamounting to satisfaction is not tenable*".

Learned counsel for the applicant has also submitted that the applicant is in jail since last 1 year, therefore, entitled for bail.

Applicant was found in possession of 58 Kg. 100 gm ganja valued at Rs.4,06,000/-. It is a commercial quantity and, therefore, he is not entitled for bail as per specific bar under Narcotics, Drugs and Psychotropic Substances Act. The application is rejected.

However, trial court is directed to expedite the trial and decide the matter within the period of 6 months.

JUDGE