

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

CRIMINAL APPLICATION (APPA) NO.984/2018

IN

CRIMINAL APPEAL NO.591/2018

Rehanabai Sheikh Atiq and anr

..VS..

The State of Mah., thr. Police Station Officer, Police Station Ashti, Tahsil  
Ashti, District Wardha

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

Court's or Judge's Order

.....  
Shri I.M. Ghongade, Counsel for the applicants.  
Shri A.M. Joshi, Addl.P.P. for the State.

**CORAM : V.M. DESHPANDE, J.**

**DATED : JANUARY 7, 2019.**

1. This is an application for suspension of substantive jail sentence and for grant of bail.
2. Heard learned counsel Shri I.M. Ghongade for the applicants and learned Additional Public Prosecutor Shri A.M. Joshi for the State.
3. Learned counsel Shri I.M. Ghongade for the applicants submits that there is a total non-compliance of Section 50 of the Narcotic Drugs and Psychotropic Substances Act, 1985. He submits that contra-band is also not found in possession of the applicants and is also not commercial quantity.
4. Learned Additional Public Prosecutor Shri A.M.Joshi for the State seriously objected the application with a submission that the applicants were found to be guilty

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by learned Judge of the Court below after appreciating evidence led by the prosecution during course of Trial.

5. The impugned judgment shows that inspite of an opportunity given and offered by the investigating machinery to the applicants to get themselves searched in presence of the gazetted officers, they themselves refused to avail the said opportunity.

6. In that view of the matter, it is not correct on the part of learned counsel for the applicants that there was breach of provisions of Section 50 of the said Act. Merely because applicant No.1 is a lady that cannot be criteria for releasing her on bail especially when 8 kilograms Ganja was found in her possession.

7. Hence, the criminal application is rejected and disposed of accordingly.

**JUDGE**

!! BRW !!

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