

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

CRIMINAL APPLICATION (BA) NO.1155 OF 2018

(Gokul s/o Mahadev Chandurkar Vs. State of Maharashtra thr. PSO PS City Kotwali,
Akola, Tah. & Dist. Akola)

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

Court's or Judge's orders.

Shri H.M. Mohta, Advocate for Applicant.
Shri N.R. Rode, APP for Non-Applciant/State.

CORAM: M.G. GIRATKAR, J.

DATE: 7th FEBRUARY, 2019.

Heard Shri Mohta, Advocate for the applicant.

The applicant is arrested for the offence punishable under Section 20(2)(c) of Narcotic Drugs and Psychotropic Substances Act, 1985. The application of the applicant came to be rejected by the trial Court on the ground that he was arrested and released on bail in another crime and during the pendency of that case he has committed this offence. There is no bar under Section 37 to release the present applicant on bail the bar is in respect of offence punishable under Section 19 and 24 and 27-A and in respect of the offence of commercial quantity. The *ganja* was weighing about 8.290 Kg. is not a commercial quantity and therefore, there is no bar under Section 37 of NDPS Act. Hence, the following order:

- [i] The application is allowed.
- [ii] Applicant be released on bail on furnishing PR

bond in the sum of Rs.25000/- with one solvent surety in the like amount on following conditions.

- [a] The applicant shall not involve in such type of crime/offence in future.
- [b] The applicant shall not tamper the evidence of prosecution witnesses.
- [c] The applicant shall attend the trial Court on each and every date.
- [d] The applicant shall not leave the jurisdiction of trial Court without prior permission.
- [e] Breach of any condition amounts to cancellation of bail.

JUDGE