

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.1123 OF 2020

Vikas Ankush Sapkal

Applicant

Versus

The State of Maharashtra

Respondent

Mr.V.S.Bhale, advocate with Mr.S.P.Padul, advocate for the applicant.
Ms.D.S.Jape, APP for the Respondent.

CORAM : V.K.JADHAV, J.

DATE : 12th October, 2020.

PC :

1 The applicant is seeking bail in connection with Crime No.176/2020, registered with Police Station Harsul, Aurangabad, for the offence punishable under Section 20 (B) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2 Heard both sides.

3 The learned Counsel for the applicant submits that though the applicant was caught raid handed as per the allegations made in the complaint, the involved quantity of the contraband article "*ganja*" is lesser than the commercial quantity but greater than small quantity. The learned Counsel submits that in view of the same, the provisions of Section 37 of the Narcotic Drugs and Psychotropic Substances Act,

1985, are not applicable to the facts of the present case. He submits that there is no criminal history. The applicant is having a fixed place of residence. The applicant is available for trial. He, therefore, submits that the applicant may be released on bail.

4 The learned A.P.P. has strongly resisted the application on the ground that though the involved quantity of the contraband article "*ganja*" is not a commercial quantity, however, it involves a quantity greater than small quantity, which is punishable with rigorous imprisonment for the term which may extend to ten years and with fine, which may extend to Rs.One lakh, in terms of the provisions of Section 20 (B) of the said Act. The learned A.P.P. admits that there is no criminal history. He, therefore, submits that the application may be rejected.

5 On going through the allegations made in the complaint and on perusal of the charge sheet, though I find that the applicant was caught raid handed while transporting the contraband article "*ganja*" on his motorcycle, however, the said quantity of "*ganja*" is lesser than the commercial quantity but greater than the small quantity, weighing about 7.300 Kgms. There is no criminal history. The applicant is available for trial. In the given set of allegations and particularly, with reference to the quantity of the contraband article "*ganja*", the provisions of Section 37 of the Act cannot be made applicable. In view of the same, I am inclined to release the applicant

on bail with certain conditions.

6 Hence, the following order:

(i) The applicant - Vikas Ankush Sapkal, in connection with Crime No.176/2020, registered with Police Station Harsul, Aurangabad, for the offence punishable under Section 20 (B) of the Narcotic Drugs and Psychotropic Substances Act, 1985, be released on bail on his furnishing Personal Bond of Rs.50,000/- (Rs.Fifty Thousand) with one solvent surety of the like amount, on the following condition:

(a) The applicant shall not tamper with the prosecution evidence, in any manner.

7 The application is accordingly disposed of.

(V.K.JADHAV)
JUDGE

adb