

IN THE HIGH COURT OF BOMBAY AT GOA**CRIMINAL APPLICATION (BAIL) NO. 89 OF 2020**

NITIN VIJAY KALPUND, PRESENTLY
LOD. IN JUDICIAL LOCK UP MODERN
CENTRAL JAIL COLVALE.

... Applicant

Versus

STATE, AS REP. BY THE OFFICER
INCHARGE, CRIME BRANCH POLICE
STAITON, RIBANDAR AND ANR.,

... Respondents

Shri Salil Satish Saudagar, Advocate for the Applicant.

Shri Mahesh Amonkar, Addl. Public Prosecutor on behalf of the
State.

Coram:- NUTAN D. SARDESSAI, J.

Date:- 13th March, 2020

P.C.:

Heard Shri Salil Saudagar, learned Advocate for the
Applicant who submits that the applicant was allegedly found

in possession of 4.15 kgs. of ganja which is an intermediate quantity and thus he is entitled to the benefit of bail and that the learned Sessions Judge had rejected the bail application primarily on the ground that the applicant was not a native of Goa and a native of Maharashtra and that there was every possibility of him jumping bail. He canvassed that the applicant was ready and willing to abide by any terms and conditions as ordered by this Hon'ble Court. It was also his contention that the learned Sessions judge had not assigned any reasons for rejection of the bail. He therefore urged the Court for the release of the applicant on bail.

2. Shri Mahesh Amonkar, learned Addl. Public Prosecutor on behalf of the State submitted that the quantity found in possession of the applicant was a variable quantity and therefore the rigors of Section 37 of the NDPS Act would not apply. However, since the applicant is a native of Maharashtra, it would be difficult to trace his whereabouts if he is released on bail.

3. Except this objection, there is no other serious objection relating to the applicant being in possession of a variable quantity and the rigours of Section 37 of the Act not being applicable. In view thereof, i order the applicant to be released on bail on the following terms and conditions:

- i. The applicant shall be enlarged on bail upon executing

bail bonds in the amount of ₹50,000/- (Rupees Fifty Thousand only) and furnishing a local surety in coextensive amount to the satisfaction of the learned Sessions Judge, Panaji.

ii. He shall cooperate with the course of investigation and shall not intimidate the witnesses or hamper the investigation in any manner.

iii. He shall not leave the State of Goa and the territorial waters of India without the prior written permission of the Court.

4. In these terms the application stands disposed off.

5. Parties to act on the basis of the authenticated copy of this order.

NUTAN D. SARDESSAI, J.

MF/-