

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

CRIMINAL APPLICATION (BA) NO. 1006 OF 2020

(Rushabh s/o Bhikaji Dhurve vs. State of Maharashtra thr. PSO, PS Gadchiroli, District -
Gadchiroli)

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

Court's or Judge's orders.

Shri V.N. Morande, Advocate for the applicant.
Shri H.D. Dubey, APP for the non-applicant – State.

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CORAM : PUSHPA V. GANEDIWALA, J.
DECEMBER 10, 2020.

Heard Shri Morande, learned counsel for
the applicant and Shri Dubey, learned APP for the
non-applicant – State.

2. The applicant is seeking bail in Crime
No. 294 of 2020 for the offence punishable under
Section 20(B) of the Narcotic Drugs and Psychotropic
Substances Act, 1985 (hereinafter referred to as the
NDPS Act), registered at Gadchiroli Police Station,
Gadchiroli.

3. It is the case of the prosecution that the
applicant along with co-accused were found in
possession of Ganja weighing 1486 grams in the
dicky of their two wheeler. The samples of the

seized Ganja were sent for Chemical analysis and the report is positive. The punishment provided under Section 20-(B) of the NDPS Act, is rigorous imprisonment for a term which extend to 10 years and the fine which may extend to Rs. One lakh.

4. In the instant case, the aforesaid quantity of Ganja is just above the lessor quantity, hence Section 37 of the NDPS Act would not be applicable. Furthermore, the prosecution could not point out any criminal antecedents against the present applicant.

5. The investigation in the case is completed and charge sheet is also filed. Hence, the applicant deserves bail.

6. In the circumstances, Criminal Application is allowed on the following conditions :

(i) The applicant – Rushabh s/o Bhikaji Dhurve shall be released on bail on executing Personal Bond of Rs.50,000/- (Rs. Fifty thousand only) with one surety in the like amount.

(ii) The applicant shall not tamper with the evidence.

(iii) The applicant shall not pressurize the prosecution witnesses.

(iv) The applicant shall attend the Police Station once in a month on every first Thursday of the month between 11.00 AM to 1.00 PM.

7. Needless to mention that the observations made in this order are only for deciding the present application for bail, the trial Court shall not get influenced by the same and it shall be free to decide the matter on its own merits.

JUDGE

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