

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 432 OF 2021

Gopal Sanjay Netlekar,
Age 31 years, Occu. Labouror,
R/o. Jakhani Nagar Kanjarwada,
Jalgaon, District Jalgaon.

.. Applicant

Versus

The State of Maharashtra
Nandurbar Taluka Police Station,
District Nandurbar Through
it's Investigating Officer

.. Respondent

...
Mr. Mahesh K. Bhosle, Advocate for applicant
Mr. N.T. Bhagat, APP for respondent - State

...

CORAM : MANGESH S. PATIL, J.
DATE : 19.06.2021

PER COURT :-

The applicant is seeking bail under Section 439 of the Code of Criminal Proceeding after filing of the charge-sheet in Crime No. 244 of 2020 registered with Nandurbar Taluka Police Station, District Nandurbar for the offences punishable under Sections 20 and 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. The substance of allegations as can be appreciated from the First Information Report and copy of charge-sheet are to the effect that on 6th August 2020 an information was received that "Ganja" was to be transported in the vehicle bearing Registration No. Mh-19-CV-3707. The information was reduced into writing in the Station Dairy and permission

of the superior was obtained. The Government servants were requested to accompany the raiding party and police personnel layed in wait. As per information the vehicle was intercepted, the applicant was present in the vehicle. A search was taken and six different packets containing in aggregate 12 Kgs. Ganja was found. Samples were drawn from each of the packets. Offence was registered. The applicant was arrested. The samples were sent for chemical analysis and in due course, it was certified to be *Ganja*. The applicant is now seeking bail.

3. Learned Advocate for the applicant would submit that accepting the allegations at their face value, quantity of Ganja seized from his possession was not a commercial quantity. The offence would be punishable upto 10 years imprisonment. There are no criminal antecedents. The trial is not likely to get over in near future. The applicant being the bread earner of the family may be released on bail subject to usual conditions.

4. Learned APP opposes the application. He would submit that the applicant has been caught raid handed in possession of *Ganja*. It is not small quantity, though, it is not commercial as well. The Chemical Analyzer's report clearly certified it to be *Ganja*. The statement of owner of the vehicle has also been recorded to the effect that the applicant had hired the vehicle from him. He would further submit that there is every possibility that the applicant would indulge in similar activity.

5. Admittedly, the quantity of *Ganja* seized from the possession of applicant is not small, but it is also not a commercial one. There are no criminal antecedents. The applicant has been in jail for almost last ten months. The trial is not likely to get over in near future. Without indulging into any threadbare scrutiny of the various grounds put-forth by the applicant touching the merits of the matter, it would be just and proper to release him on bail by putting him to certain conditions.

6. The Bail Application is allowed. The applicant shall be released on bail in Crime No. 244 of 2020 registered with Nandurbar Taluka Police Station, District Nandurbar for the offences punishable under Sections 20 and 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, on his executing a personal recognizance for an amount of Rs.25,000/- (Rupees Twenty Five Thousand only) and furnishing a solvent surety in the like amount subject to following conditions -

- (a) He shall not tamper the evidence or influence the witnesses,
- (b) He shall attend the trial punctually, and
- (c) He shall not repeat the crime.

7. Bail before the trial Court.

(MANGESH S. PATIL)
JUDGE