

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

38 BAIL APPLICATION NO.1253 OF 2021

**JUNED KHAN JAVED KHAN
VERSUS
THE STATE OF MAHARASHTRA**

Shri. S. S. Jadhav, Advocate h/f Shri. Patel Shaikh Ashpak
Taher for the applicant
Shri. V. M. Kagne, APP for the respondent/State

**CORAM : M. G. SEWLIKAR, J.
DATED : 15th NOVEMBER, 2021**

PER COURT :-

1. Heard.
2. It is alleged in the FIR that secret information was received that the applicant would be coming to the open ground in Karnapura, Aurangabad for illegal sale of contraband articles. Accordingly, police laid a trap and the applicant was seen coming to the open ground. On seeing the police party the applicant tried to run away but he was apprehended. On taking his personal search Mephedrone powder weighing 6.73 grams was found in his possession. Applicant was arrested. FIR came to be lodged after carrying

out usual procedure. Offence came to be registered under Sections 8(c), 22(B) of NDPS Act.

3. Learned counsel Shri. Jadhav submits that the contraband article Mephedrone alleged to be seized from the applicant is less than commercial quantity but more than small quantity. He has produced notification dated 5th February, 2015 indicating therein that small quantity for Mephedrone is 2 grams and its commercial quantity is 50 grams. He submits that considering the quantity seized from the applicant he is entitled to be released on bail.

4. Learned APP Shri. Kagne submits that contraband article is Methamphetamine as per CA report. He submits that another accused from whom the applicant procured this contraband article is yet to be arrested. He is absconding and therefore, applicant may not be released on bail.

5. Charge-sheet is filed. Admittedly, Mephedrone or Methamphetamine is allegedly seized from the applicant. It

is small quantity i.e. 2 grams and commercial quantity is 50 grams. The quantity found with the applicant is 4.41 grams which is more than small quantity and lesser than commercial quantity. Offence is not punishable with imprisonment for 20 years. It is punishable with imprisonment for 10 years. This is the first offence registered against the applicant. He has no criminal antecedents. He is resident of Aurangabad. He is not likely to flee from justice. In this view of the matter, I am inclined to release the applicant on bail. Hence the order.

ORDER

1. Application is allowed.
2. Applicant be released on bail on his furnishing PR bond of Rs. 50,000/- (Rupees Fifty Thousand only) with one solvent surety in the like amount in connection with CR No. 0402 of 2021 under Sections 8(c), 22(B) of the NDPS Act registered with Cantonment (Chhawani) Police Station, Dist. Aurangabad and on condition that he shall not pressurise the witnesses.
3. Application is disposed of.

4. It is clarified that the observations made in the above order are restricted to the decision of this application only and the trial Court shall not get influenced by the same and can come to its independent conclusion during trial.

[M. G. SEWLIKAR, J.]

ssp