

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

CRIMINAL APPLICATION (BA) NO.523 OF 2021

(Bali w/o Ravi Dharawat and others (In Jail) Vs. State of Maharashtra thr. PSO PS
Bamni, Tah. Sironcha, Dist. Gadchiroli)

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

Court's or Judge's orders.

Mr. R.R. Vyas, Advocate for Applicant.
Mr. M.K. Pathan, APP for Non-Applciant/State.

CORAM: ROHIT B. DEO, J.

DATE: 13th AUGUST, 2021.

The applicants are seeking bail in connection with Crime 3005/2020 registered with Bamni Police Station, Tahsil Sironcha, District Gadchiroli for offences punishable under sections 8 (c), 20(b), 20(c), 22(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act (NDPS Act).

2. The thrust of the submission canvassed by the learned counsel Mr. Vyas is that the stringent provisions of section 37 of the NDPS Act are not attracted, since the quantity which the three accused/applicants were individually carrying was not commercial quantity.

3. The submission is noted only for rejection. Perusal of the material on record would *prima facie* reveal, that all the applicants are residents of the same village and

boarded the vehicle together, and when the vehicle was intercepted during the course of routine *naka bandi*, cannabis (*ganja*) weighing more than 32 Kg. was found in fifteen packets.

4. It is not possible to agree with the submission that the quantity ought to be divided and in a sense apportioned. Such an approach will defeat the very intent of legislature and it would be very easy for the accused to circumvent the provisions of section 37 of the NDPS Act by dividing the quantity of the contraband in such a manner that no individual accused carries more than commercial quantity. In the facts of the case, the transportation is a single transaction and the quantity seized is therefore, commercial.

5. It is not possible to record a satisfaction that reasonable grounds exist to believe that the applicants are not guilty or that the applicants would not commit a similar offence if released on bail.

6. The application is dismissed.

JUDGE