

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

BAIL APPLICATION NO.728 OF 2022

Shaikh Siraj Shaikh Chand

... APPLICANT

VERSUS

The State of Maharashtra

... RESPONDENT

.....
Mr. A.K. Bhosle, Advocate for applicant
Mr. N.T. Bhagat, A.P.P. for respondent – State
.....

CORAM : R. G. AVACHAT, J.

DATE : 22nd JULY, 2022.

PER COURT :

Heard. This is an application for bail under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in Special Case (N.D.P.S.) No.106/2022, pending before the Special Judge N.D.P.S. Act (Court No.1), Aurangabad, arising out of C.R. No.I-37/2022, registered at Jawahar Nagar Police Station, Aurangabad for the offence punishable under Section 20(b) and 20(b)(ii) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Heard. 2.478 Kgs. of Ganja has been recovered from the residence of the applicant. It is not a commercial

quantity. The learned A.P.P. concedes that, if the quantity seized is less than the commercial quantity (20 Kgs.), rigours of Section 37 of the N.D.P.S. Act are not applicable for considering the application for bail. The applicant has no criminal antecedents. He has been behind the bars for little over 5 months. It will take time for commencement of trial and conclusion thereof. Therefore, I am inclined to grant bail to the applicant. Hence the order :-

ORDER

(i) The Bail Application is allowed.

(ii) The applicant shall be released on bail in in Special Case (N.D.P.S.) No.106/2022, pending before the Special Judge N.D.P.S. Act (Court No.1), Aurangabad, arising out of C.R. No.I-37/2022, registered at Jawahar Nagar Police Station, Aurangabad for the offence punishable under Section 20(b) and 20(b)(ii) of the Narcotic Drugs and Psychotropic Substances Act, 1985 on his executing P.R. bond in the sum of Rs.15,000/- (Rupees fifteen thousand) with two sureties in the like amount.

(iii) The applicant shall not tamper with the prosecution evidence.

**(R. G. AVACHAT)
JUDGE**

fmp/-