

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1976 OF 2022

Durga Dipak Hajgude ... Applicant

Versus

State of Maharashtra ... Respondent

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Mr. P.G. Sarda for the Applicant.
Mr. A.R. Kapadnis, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 10 NOVEMBER 2022

P.C. :-

. This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail.

2. The applicant came to be arrested in Crime No. 558 of 2021 registered at Barshi City Police Station, Solapur for the offence punishable under Sections 8(c), 20(c)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act).

3. On 31st October 2021, on the basis of secret information, the present applicant alongwith the other co-accused were apprehended and were found in possession of ganja weighing 21 kg.200gm.

4. I have heard the learned Counsel for the applicant and the learned APP for the State.

5. The learned Counsel for the applicant submits that there is non-compliance of Section 50 of the NDPS Act. The inventory certificate shows that the quantity was less than commercial quantity. It is further submitted that the applicant who is a lady has two children aged about 5 and 7 years and there is nobody to look after them as the husband of the applicant is mentally ill. It is submitted that the applicant may therefore be released on bail.

6. On the other hand, the learned APP for the State submits that the applicant alongwith the other co-accused were apprehended and were found in possession of commercial quantity of ganja. It is submitted that the non-compliance of Section 50 of the NDPS Act cannot be considered at this stage. It is submitted that considering the nature of offence, the applicant may not be released on bail.

7. I have perused the F.I.R. Prima facie there appears to be merit in the submission of the learned Counsel for the applicant with regard to non-compliance of Section 50 of the NDPS Act. Even otherwise if the weight mentioned in the inventory certificate is taken into consideration, it would not be commercial quantity. Considering these facts and as there are no other criminal antecedents, I am inclined to release the applicant on bail. Hence, the following order is passed :

- (i) Application is allowed.
- (ii) The applicant - Durga Dipak Hajgude be released on bail in Crime No. 558 of 2021 registered at Barshi City Police Station, Solapur for the offence punishable under Sections 8(c), 20(c)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

(N.R. BORKAR, J.)