

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1009 OF 2022

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Mangesh Kalu Shelar .. Applicant

Versus

The State of Maharashtra .. Respondent

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Mr.Dilip Mishra i/b Mr.Ayaz Khan for the Applicant.

Mr.S.V.Gavand, A.P.P. for the State/Respondent.

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CORAM: BHARATI DANGRE, J.

DATED : 12th JULY, 2022

P.C:-

1. Heard learned counsel for the applicant and learned A.P.P. for the State.

2. The applicant is charged in C.R.No.204 of 2021 registered with Shil-Daighar Police Station on 29/06/2021 for the offences punishable under Sections 8(c), 20(c), 20(b) and Section 29 of the N.D.P.S.Act.

In connection with the said C.R., the applicant came to be arrested on 12/07/2021.

3. Perusal of the charge-sheet reveal that accused Nos.1, 2 and 3 were found in possession of 1894 gm of charas and 308 gm of ganja worth Rs.37,97,240/- and the said contraband has been seized. Accused No.1 had revealed that he had sold charas to accused No.4 i.e. the present applicant and, therefore, on the search being carried out, he came to be arrested. The investigation also led to an inference that the seized ganja and charas was shared with accused No.2 and it was purchased from accused No.3, resident of Shirpur, Dhule.

4. Since it was alleged that accused No.1 had sold ganja to the applicant, his house was searched, after giving notice under Section 27 of the N.D.P.S. Act and 90 gm. of charas was seized from his house.

The charge-sheet, thus, accuse him of being in possession of 90 gm. of charas, which is admittedly a small quantity.

5. *Prima facie*, there is no other material in the charge-sheet connecting the present applicant to the other accused persons via CDR or other mode, but the charge-sheet accuse him of being in possession of 90 gm. of charas. The contraband being small in quantity, on conviction, as per Section 20(b)(ii) (A), which provides punishment for contravention in relation to cannabis plant and cannabis, the applicant will have to

undergo imprisonment which may extend to one year or with fine which may extend to Rs.10,000/- or with both. The applicant, being incarcerated in the jail for last one year, has in fact undergone the sentence, which can be imposed.

In the wake of the aforesaid, the applicant deserves his release on bail, subject to the following conditions :-

: ORDER :

- (a) Application is allowed.
- (b) Applicant -Mangesh Kalu Shelar shall be released on bail in connection with C.R.No.204 of 2021 registered with Shil-Daighar Police Station on furnishing P.R. Bond to the extent of Rs.25,000/- with one or two sureties of the like amount.

He shall be released on a provisional cash bail for a period of four weeks from today.

- (c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer. The Applicant should not tamper with evidence.

(d) The Applicant shall report to the concerned police station on first Saturday of every month till framing of the charge.

(SMT. BHARATI DANGRE, J.)