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DATED : 12 DECEMBER 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. 361 of 2021 registered at the Khopoli Police Station, for the offences punishable under Section 8(c), 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short NDPS Act).

3. There are in all eleven accused in the aforesaid crime and the present applicant is accused No.9. On 18th November 2022, accused Nos.1 to 3 were apprehended and about 1842 gram of Ganja was found in their possession. During their interrogation, it was revealed that they had

purchased the said Ganja from accused Nos.4 and 5. Accused Nos.4 and 5 were therefore arrested and pursuant to their disclosure statement about 2008 gms. of Ganja was recovered. It was further revealed that accused Nos.4 and 5 had purchased the Ganja from accused No.6 and accused No.8. About 264 gm. of Ganja was recovered from the possession of accused No.6. It was further revealed that they had purchased it from the present applicant and accused Nos.7, 10 and 11. The house of accused No.10 was raided and 33kg. 730gm. Ganja was recovered from her house.

4. I have heard the learned counsel for the applicant and the learned APP for the respondent/State.

5. The learned counsel for the applicant submits that there is no recovery of any incriminating material from the present applicant. It is submitted that there are no other criminal antecedents. It is submitted that considering the facts and circumstances, applicant may be released on bail.

6. On the other hand, the learned APP for the respondent/State submits that about 264 gm. of Ganja was recovered from the possession of accused No.6 which was purchased by him from the present applicant and accused Nos.7, 10 and 11. It is submitted that considering the facts and circumstances of the case, the applicant may not be released on bail.

7. Admittedly, the applicant is not involved in any other crime of similar nature. Considering the fact that there is no recovery of any incriminating material from the possession of present applicant, I am

inclined to release him on bail. In the result, following order is passed :

- i) The Application is allowed.
- ii) The applicant be released on bail in C.R. No. 361 of 2021 registered at the Khopoli Police Station, for the offences punishable under Section 8(c), 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985, on executing P.R. Bond in the sum of Rs.50,000/- (Rupees Fifty Thousand) with one or two sureties in the like amount.
- iii) The applicant shall attend the concerned police station once in a month i.e. on the first working Saturday between 11:00 a.m. to 2:00 p.m. till the conclusion of trial.

(N.R. BORKAR, J.)

KANCHAN
PRASHANT
DHURI

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by KANCHAN
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