

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Criminal Appeal No. 61 of 2022

Pir Shah S/o Salim Shah

Versus

The State of Maharashtra, through Police Station Officer, Railway Police
Station, Nagpur.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri S.D. Chande, Advocate for the Appellant.

Shri M.J. Khan, APP for the Respondent.

CORAM : ANIL S. KILOR, J.

DATED : 16th FEBRUARY, 2022.

Heard learned counsel for the applicant and
learned Additional Public Prosecutor.

2. ADMIT.

3. Call record and proceedings.

Criminal Application (APPA) No. 98 of 2022

This is an application filed under Section
389 of the Code of Criminal Procedure for suspension
of sentence and grant of bail. The applicant was
convicted for the offence punishable under Section 20

of Narcotic Drugs and Psychotropic Substance Act and sentenced to suffer Rigorous Imprisonment for four years and to pay fine of Rs.50,000/-, in default of payment of fine, the accused shall undergo simple imprisonment for six months passed by the learned Special Judge under NDPS Act and Additional Sessions Judge-2, Nagpur in Special (NDPS) Case No.1 of 2017 vide judgment and order dated 10th January, 2022. He is in jail since 12th January, 2022. The learned counsel for the applicant submits that he has good case on merit and there is every likelihood that he would succeed in the present appeal.

2. After going through the judgment and considering the submissions of the learned counsel for the applicant, I am of the opinion that this application needs to be allowed. Accordingly, I pass the following order.

ORDER

- i. The application is allowed;
- ii. Sentence as imposed by the learned Special Judge under N.D.P.S. Act and Additional Sessions Judge-2, Nagpur in Special (NDPS) Case No. 1 of 2017

vide judgment and order dated 10th January, 2022 is hereby suspended till the decision of this appeal;

iii. It is directed that the applicant shall be released on bail on furnishing P.R.Bond for Rs.20,000/- (Rs. Twenty Thousand) and one solvent surety in the like amount;

iv. The applicant undertakes to pay fine of Rs.50,000/- as directed by trial Court within four weeks. Failing to deposit the fine amount of Rs.50,000/- within four weeks, this application shall stand dismissed and the bail shall stand cancelled;

v. The applicant shall attend the nearest police station i.e. Saonar, Dist. Chindwara(M.P) on 1st and 15th of every month till the decision of this appeal.

[ANIL S. KILOR, J.]

Digitally signed
by
SACHINDANAND
K NAIR
Date: 2022.02.17
18:08:23 +0530