

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

CRIMINAL APPLICATION (BA) NO.454 OF 2022

Arpit S/o Sanjay Malviya

Versus

State of Maharashtra, through P.S.O., P.S. Dharni, Dist. Amravati

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

Court's or Judge's Order

Shri N.R. Saboo, Advocate for the applicant.

Shri A.M. Deshpande, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 29/06/2022

1. The applicant is seeking bail in Crime No.616 of 2021, dated 26.08.2021, registered with Police Station Dharni, District: Amravati (Rural), for the offences punishable under Sections 20(b)(ii) and 8(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short "the NDPS Act").

2. Shri Saboo, learned counsel for the applicant submits that there is non-compliance of Sections 42 and 50 of the NDPS Act and therefore, there are less chances of the applicant being convicted. He further submits that as the investigation is over, custody of the applicant is not necessary. He accordingly, prays for grant of bail.

3. On the other hand, Shri A.M. Deshpande, learned APP opposes the present application and he points out that the accused persons were found in possession of 41 k.g. and 832 gram of Ganja which is a commercial quantity and considering the seriousness of offence and severity of punishment, this Court may not grant bail to the applicant.

4. The learned APP further points out that there is compliance of Sections 42 and 50 of the NDPS Act and therefore, it cannot be said that no case is made out against the applicant.

5. I have perused the charge-sheet and also the contents of the First Information Report (FIR).

6. From the charge-sheet, it can be seen that the applicant and the co-accused persons found in possession of 41 k.g. and 832 gram of Ganja and *prima facie* there is compliance on Sections 42 and 50 of the NDPS Act. Otherwise also whether there is a compliance of Sections 42 or 50 of the NDPS Act or not, is a matter of trial. However, at present, since the applicant was found with commercial quantity of Ganja and considering the seriousness of the offence and severity of the punishment, I am not inclined to grant bail to the applicant.

7. At this stage, learned counsel for the applicant prays to expedite the trial and grant liberty to move a fresh application, in case, there will be no progress in the trial in near future. Accordingly, I pass the following order:

The criminal application is **rejected**.

8. The trial Court is requested to expedite the trial.

9. Liberty is granted to the applicant to move a fresh application for grant of bail, in case, there will be no progress in the trial, in next nine months.

[ANIL S. KILOR, J.]