

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

Criminal Application (BA) No.616/2022

Deepak Parate V State of Maharashtra thr PSO PS Old City, Akola

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri C.A. Joshi, Advocate for applicant.

Shri A.M. Deshpande, APP for State.

CORAM : ANIL S. KILOR, J.

DATE : 01-07-2022

The applicant has approached to this Court by filing the present application under Section 439 of the Code of Criminal Procedure for grant of bail in connection with Crime No.0141/2022 dated 18-02-2022 registered with Police Station Old City, District Akola for the offence punishable under Section 20 (b) of the Narcotic Drugs and Psychotropic Substances Act, 1985, (for short 'NDPS Act').

2. The learned Counsel for the applicant submits that as the chargesheet has already been filed, the further custody of the applicant is not required. The learned Counsel for the applicant by placing reliance on the judgment of the Hon'ble Supreme Court of India in the case of *Maulana Mohammed Amir Rashadi vs State of Uttar Pradesh and another*¹ has argued that in the said case though there were criminal antecedents against the applicant he was released on bail. Hence, he prays that the applicant may be

released on bail by putting some stringent conditions.

3. Learned APP strongly opposes the application and submits that the offence is serious and it is against the society. He further points out that in last one year the applicant has committed similar three offences including the present one under the NDPS Act. Therefore, he submits that if the applicant is released on bail he will commit the similar offence again. Accordingly, he prays for rejection of the present application.

4. I have perused the chargesheet and the contents of the First Information Report.

In this case, though the quantity of contraband, is lesser than commercial quantity but it is greater than the smaller quantity, it attracts the punishment under Section 21(b) of the NDPS Act. Under Section 21(b) the punishment is up to ten years.

5. As the offence is serious and the past conduct and the antecedents of the applicant show that he is involved in the similar offences and there is every possibility that if the applicant is released on bail he may commit the similar offence again.

6. In that view of the matter, I am not inclined to grant bail. Hence, I pass the following order :

ORDER

Application is rejected.

(Anil S. Kilor, J.)