

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

Criminal Application (BA) No. 736 of 2022

Tulshiram S/o Ramhari Gawande

Versus

State of Maharashtra, through Police Station Officer, Police Station Pinjar,
Tq. Barshitakli, Dist. Akola

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

Court's or Judge's Order

Shri R.M.Tiwari, Advocate for the applicant.

Shri T.A. Mirza, APP for the State / Non-applicant

CORAM : ANIL S. KILOR, J.

DATED : 5th August, 2022.

The applicant is seeking bail under Section 439 of the Code of Criminal Procedure in Crime No. 10 of 2022, registered with Police Station Pinjar, Dist. Akola for the offence punishable under Section 20(i)(b) of Narcotic Drugs and Psychotropic Substances Act (NDPS Act).

2. Learned counsel for the applicant submits that there are no criminal antecedents to the discredit of the applicant, which show that the applicant has been falsely implicated in the alleged offence. He further submits that as the investigation is over and chargesheet

has been filed, this Court may release the applicant on bail because his further custody is not required.

3. On the other hand, learned Additional Public Prosecutor strongly opposed the application and submits that the quantity of contraband is 51.450 gram which is a commercial quantity and unless twin conditions of Section 37 of the NDPS Act are fulfilled, the applicant cannot be released on bail.

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

5. Chargesheet shows that during the raid nine ganja plants weighing 51.450 kgs. worth of Rs.5,14,500/- and ganja weighing 7.300 kgs worth Rs.73,000/-, were seized from the Courtyard of residence of the applicant.

6. Considering the incriminating material collected during the investigation, there is no reasonable ground to believe that the applicant is not guilty of the alleged offence. In that view of the matter, the application is rejected.

[ANIL S. KILOR, J.]

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by
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