

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

CRIMINAL APPLICATION (APPA) NO.928 OF 2022
IN
CRIMINAL APPEAL NO.708 OF 2022

MAYUR S/O CHANDRABHAN VAJIRANI
VS
STATE OF MAH. THR. PSO PS GITTIKHADAN 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.G. Karmarkar, Advocate for applicant
Ms Shamshi Haider, APP for the State / Non-applicant

CORAM : ANIL S. KILOR, J.
DATED : 30.11.2022.

1. This is an application filed under Section 389(2) of the Code of Criminal Procedure for suspension of sentence and grant of bail.

6. The applicant was convicted for the offence punishable under Section 21(a) of the Narcotic Drugs and Psychotropic Substances Act, 1985 and sentenced to suffer rigorous imprisonment for six months and to pay fine of Rs.6,000/-, in default to pay fine, further to suffer rigorous imprisonment for three months.

7. I have perused the findings recorded by the learned Special Court, NDPS Act, Nagpur in the

impugned judgment and order and thereupon, I am of the opinion that applicant is having arguable case and re-appreciation and reappraisal of the evidence is necessary in this case. There is no likelihood that this matter would come up for final hearing in near future. There is one more ground is that the applicant was on bail during the trial. Accordingly, I pass the following order:

- i. Criminal application is **allowed**.
- ii. The sentence imposed by the learned Special Court, NDPS Act, Nagpur in Spl. NDPS Case No.70 of 2019 vide judgment and order dated 13.10.2022, is suspended, till disposal of the appeal.
- iii. Bail as in the trial Court with fresh Bonds.

[JUDGE]