

(1)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.265 OF 2023

**DEEPAK SHAMRAO SONUNE
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. Bhosle Abhaysinh K.
APP for Respondent/State : Mr. S.B. Narwade
...

CORAM : S.G. MEHARE, J.

DATED : FEBRUARY 20, 2023

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. The tablets of Alprazolam was found in the possession of the applicant. Learned counsel for the applicant has vehemently argued that the total quantity of drug would be 0.195 grams. As per the schedule in Narcotic Drugs and Psychotropic Substances Act (for short 'NDPS Act'), Serial No.178, 5 grams is a small quantity and 100 grams is a commercial quantity. Considering the quantity of the prohibited drugs, there would no bar under Section 37 of the NDPS Act. Section 36-A of the Drugs and Cosmetics Act also does not attract in the case. The applicant is a druggist and pharmacist and runs a medical shop. Inadvertently, without completing the necessary compliances, he carried the above tablets. Nothing is to be recovered

from the applicant. The shop of the applicant has been inspected and nothing was found in the search.

3. In view of that matter, the Court is of the view that since the quantity is below commercial, the maximum punishment to the applicant as argued would not be more than one year. The material investigation has been completed, therefore, conditional bail may be granted to the applicant. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, Deepak Shamrao Sonune, be released on bail on executing P.B. and S.B. of Rs.50,000/- (Rupees fifty thousand) with one solvent surety in the like amount in connection with Crime No.25 of 2023, registered with Satara Police Station, District Aurangabad for the offence punishable under Section 8(c), 22(a) of Narcotic Drugs and Psychotropic Substances, Act, Section 328 and 276 of Indian Penal Code and Section 18(A), 18(C) and 27(B)(2) of Drugs and Cosmetics Act, on the conditions that he shall not tamper with the prosecution witnesses.
- (iii) The applicant shall not store any such prohibited drugs in his medical shop unless the licence has been issued by the competent authority.

(3)

(iv) The applicant shall attend the concerned police station as and when called on written notice by the investigating officer for the purpose of investigation.

(S.G. MEHARE, J.)

Mujaheed//