

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2191 OF 2023 IN
CRIMINAL APPEAL NO. 535 OF 2023

Dr. Sunil s/o Narayan Rathod & another Applicants

Versus

The State of Maharashtra Respondent

Mr. P. P. More, Advocate for the applicants.
Mrs. R. P. Gour, APP for the State.

CORAM : R. M. JOSHI, J.
DATE : 5th JULY, 2023.

PER COURT :

1. Applicants/appellants are seeking suspension of substantive sentence imposed against them for offence punishable under Section 18(c) read with Section 27(b)(ii) of the Drugs and the Cosmetic Act, 1940 in Special (Drugs Act) Case No. 181/2020.

2. Learned counsel for the applicants states that the applicants are sentenced to suffer simple imprisonment for three years and to pay fine of Rs. 1,00,000/-, in default, to suffer simple imprisonment for three months and if the said sentence is not suspended and the applicants are called upon to undergo the sentence, the appeal filed by them shall become infructuous.

3. Considering the pendency of this Court, practically it is impossible to take up hearing of this appeal in short time. This Court, therefore, finds substance in the contention of learned counsel for the applicants about likelihood of the appeal becoming infructuous. Hence, following order :-

ORDER

- (i) Application is allowed.
- (ii) Substantive sentence is suspended till conclusion of the appeal.
- (iii) Applicants be released on furnishing PR Bond of Rs. 15,000/- (Rs. Fifteen Thousand only) each with one solvent surety in the like amount.
- (iv) Bail before Trial Court.

(R. M. JOSHI)
Judge

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PER COURT :

1. Heard.
2. Admit.

(R. M. JOSHI)
Judge

dyb