

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.1888 OF 2023

FARUK @ BABLYA AHMAD ANEES AHMAD
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. N. L. Chaudhari
APP for Respondent : Mr. P. G. Borade
...

CORAM : S. G. MEHARE, J.

DATE : 07-11-2023

PER COURT :-

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondent/State.
2. The applicant seeks bail in C.R.No.106 of 2023 registered with Azadnagar Police Station, Dhule, for the offences punishable under Sections 8(C) and 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, "N.D.P.S.Act") and Sections 328, 276 of the Indian Penal Code and also Section 18(c) of the Drugs and Cosmetics Act, 1940.
3. The learned counsel for the applicant submits that there is no compliance under Section 42 of N.D.P.S.Act. No immediate intimation was given to the higher officer soon after receipt of the confidential information. The C.A. report is yet not filed. Hence, it is difficult to believe that it was a commercial quantity. The applicant is a young boy having no antecedents to his discredit.

The investigation has been completed. Hence, he would be granted bail.

4. The learned A.P.P. would submit that the offence is serious. The quantity was commercial. There is possibility of committing offence again. Hence, the applicant may not be granted bail.

5. Perused the chargesheet.

6. A huge quantity of *Codine Phospate and Chlorpheniramine Maleate- Syrup* around 25000 ml. has been seized from the custody of the applicant. It is mentioned about intimation to the higher officer. Apparently, the quantity is commercial. *Prima facie* there appears no violation of Section 42 of the N.D.P.S. Act. The seizure was drawn in the presence of a Gazetted Officer. *Prima facie* evidence is available to hold that the applicant contravened the provision under Section 32 of the N.D.P.S. Act. There is no material to believe that the applicant would not involve in the crime. He is new entrant in the illegal business of selling the drugs. Considering the facts and the legal provisions, the Court is of the view that the applicant is not entitled to bail.

7. Hence, the application stands dismissed.

(S. G. MEHARE)
JUDGE