

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

984 BAIL APPLICATION NO.2082 OF 2022

TARASING S/O. JAGDISHSING TAK	.. Applicant
VERSUS	
THE STATE OF MAHARASHTRA	.. Respondent

...
Advocate for Applicant : Langhe Pooja V Langhe Vijay R
APP for Respondents: Mr. S. P. Sonpawale
...

CORAM : S.G. MEHARE J.
DATE : 12.01.2023.

PER COURT :-

1. Heard the learned counsel for the applicant and learned APP for the respondent-State.

2. 248 tablets of ALPRACAN 0.5 (Alprazolam Tablets IP 0.5) have been allegedly seized from the accused. The applicant claims that the quantity allegedly seized from him is below 100 grams, therefore, it is not a commercial quantity. It is not in dispute that Alprazolam is psychotropic substance under the Narcotic Drugs and Psychotropic Substances Act, 1985 (N.D.P.S. Act) and as per entry No. 178 of Central Government notification dated 19.10.2001, quantity of 100 grams and above is declared as commercial quantity. Considering the quantity allegedly seized from the applicant which is below 100 grams, it cannot be said that it has a commercial quantity. The quantity seized from the

applicant is below commercial quantity. Therefore, section 37 of the N.D.P.S Act would not apply. The co-accused possessing less than commercial quantity have been released by this Court. The applicant is languishing in jail since 18th June 2022. The investigation has been completed and the charge sheet has been filed against the applicant. The applicant is having roots at village Gevarai Tanda, Bidkin, District Aurangabad. In view of that matter, the application deserves to be allowed.

ORDER

- (I) The bail Application is allowed.
- (ii) Applicant Tarasing Jagdishsing Tak be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand) with one solvent surety of the like amount in Crime No. 194 of 2022, registered with Waluj Police Station, District Aurangabad for the offence punishable under Sections 328, 276, 201, 34 of the Indian Penal Code Section 22 (B) of N.D.P.S. Act and Section 18 (A and C) and 27 B (ii) of Drugs and Cosmetic Act, 1940. on the condition that :-
 - (a) He shall not tamper with the prosecution witnesses till the conclusion of the trial.
 - (b) He shall attend the trial on each and every effective date of hearing.
 - (c) He shall not involve in similar crime.

(S.G. MEHARE J.)

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