

Vinita

**IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL APPLICATION(BAIL) NO.8 OF 2023**

VIJAY VARMA PRESENTLY IN
JUDICIAL CUSTODY CENTRAL JAIL
COLVALE THROUGH NEXT FRIEND
SUNITA K. K. SINGH. ... Applicant.

VS
STATE OF GOA THROUGH PUBLIC
PROSECUTOR AT PROVORIM GOA AND
ANR. ... Respondents.

Mr. K. Raikar, Advocate for the Applicant.

Mr. S. G. Bhobe, Public Prosecutor for the Respondents.

**CORAM: M. S. KARNIK, J
DATED: 2nd MAY 2023**

P.C.

1. Heard Mr. K. Raikar, learned Counsel for the applicant, and
Mr. S. G. Bhobe, learned Public Prosecutor for the respondents.

2. This is an application for bail for the offence punishable under
Section 20(b)(ii)(B) of the NDPS Act registered with Anti Narcotic
Police Station vide Crime No.10/2023. The applicant was arrested on
12.3.2023 and was found in possession of 3 kgs of the substance
Ganja. The learned counsel for the applicant submits that the
applicant was found in possession of variable quantity and not
commercial quantity. To attract the rigor of Section 37 of the NDPS
Act the commercial quantity is 20 kgs of Ganga. The learned counsel
for the applicant submitted that the applicant has to maintain his

wife and two minor daughters and he is only earning member in the family.

3. Learned Public Prosecutor for the respondent opposed the application for bail on the ground that on an earlier occasion the applicant was arrested as he was found in possession of 4 kgs of Ganja. He submitted that there is every possibility that the applicant may commit such an offence in the future having past antecedents. The applicant has been released on bail in respect of crime No.138 of 2022 on the condition imposed by the learned trial Court. The applicant is in custody since his date of arrest i.e.12.3.2023 for a period of more than one and half months. The chargesheet will be filed in due course. According to the learned counsel, the applicant has been falsely implicated.

4. In my opinion, the applicant can be released on bail. No doubt there is past antecedent against the applicant, the applicant can be released on bail by imposing stringent conditions. Hence, I pass the following order:-

- a. The applicant shall be enlarged on bail in connection with Crime No.10/2023, registered at Anti Narcotic Police Station, upon he furnishing a PR bond in the sum

of Rs.50,000/- with one or two surety/sureties in the like amount to the satisfaction of the Investigating Officer.

- b. It is made clear that if the applicant is found indulging in a similar offence in the future, the applicant's conduct will be viewed seriously including the consequence of cancelling the present bail.
- c. The applicant shall furnish details of his residential address in Goa as the present application is filed on his behalf by his sister who is residing in Goa.
- d. Till the chargesheet is filed, the applicant shall reside outside Goa and shall not enter the State of Goa except for the purpose of attending the Police Inspector, Anti Narcotic Police Station, Panaji Goa, and the trial Court.
- e. The applicant shall furnish his residential address while he is residing outside Goa and contact details along with his mobile number to the Investigating Officer. The applicant shall inform about any change in residential address or contact details to the Investigating Officer.

- f. The applicant shall report to the Police Inspector, Anti Narcotic Police Station, Panaji once a week on every Sunday from 10.00 am to 12.00 noon, till the filing of the chargesheet and thereafter once a month on every Monday between 10.00a.m to 12.00noon.
 - g. The applicant shall attend the hearing of the Trial Court regularly.
5. Application for bail stands disposed of.

M. S. KARNIK J.

VINITA VIKAS NAIK Digitally signed by VINITA VIKAS NAIK
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