



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**BAIL APPLICATION NO.424 OF 2023
WITH
INTERIM APPLICATION NO.2036 OF 2023**

ABUBKAR MOHAMMAD DUDUKE

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Ms. Siddhi Bhosale, for the applicant.

Ms. Veera Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 3, 2023

P.C. :

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

2. This is an application for bail in respect of the offence punishable under sections 8(c), 20 b(ii)(B), 22 (b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereafter 'the NDPS Act' for short) registered on 06/03/2020 vide C.R. No.59 of 2020 with Khed Police Station, District – Ratnagiri. The applicant was arrested on 06/03/2020.

3. On the basis of the secret information received, the applicant

was subjected to search on 06/03/2020 by the officers of the respondent. From the applicant, the substance 'Charas' weighing 219 grams was recovered and also 815 grams of 'Ganja' is recovered which is a contraband. The quantity of Ganja is small quantity whereas that of 'Charas' is intermediate quantity. The rigours of section 37 of NDPS Act therefore do not apply in the present case.

4. Learned APP while opposing the application for bail submitted that the applicant is a habitual offender and as many as 5 cases under the NDPS Act are registered against him. It is further submitted that in so far as C.R. No. 279 of 2016 is concerned, in respect of offence registered under sections 8(c), 20 and 22 of the NDPS Act, the applicant was convicted and sentenced to suffer 3 years imprisonment. The applicant had suffered the conviction. The other offences are under Indian Penal Code.

5. In the facts of the present case, the applicant is found with small quantity of 'Ganja' and intermediate quantity of 'Charas'. No doubt there are criminal antecedents reported against the applicant which in my opinion by itself should not be a reason to deprive the applicant the facility of bail considering the period the applicant had spent in the custody. The investigation is complete. The charge-sheet

has been filed. Considering that the applicant is incarcerated for more than 3 years and 6 months with possibility of commencing and concluding the trial any time soon appearing remote, I am inclined to enlarge the applicant on bail by imposing stringent conditions. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Abubkar Mohammad Duduke in connection with C.R. No. 59 of 2020 registered with Khed Police Station, District - Ratnagiri shall be released on bail on his furnishing PR. Bond of Rs.1,00,000/- with one or more local sureties in the like amount.
- (c) The applicant shall attend the investigating officer of Khed police station twice in a month every first and third Monday of the month between 11.00 a.m. and 1.00 p.m.
- (d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.
- (e) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer

and shall keep him updated, in case there is any change.

(f) The applicant shall not leave Ratnagiri District without leave of the trial Court.

6. The application is disposed of. Interim application also stands disposed of.

(M. S. KARNIK, J.)