

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 574 OF 2022

Shaikh Arbaz Abdul Hamid ... Applicant

Versus

State of Maharashtra ... Respondent

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Mr. S.T. Pandey alongwith Ms. Angela Singha and Ms. Anima Mishra
instructed by SBG Law for the Applicant.

Ms. Rutuja Ambekar, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 3 JANUARY 2023

P.C. :-

. This is an application filed under Section 439 of the Code of
Criminal Procedure, 1973 for grant of bail.

2. The applicant came to be arrested in Crime No. 83 of 2021
registered at Malegaon Taluka Police Station, Nashik for the offences
punishable under Sections 20-B and 22 of the Narcotic Drugs and
Psychotropic Substances Act, 1985.

3. I have heard the learned Counsel for the applicant and the
learned APP for the State.

4. The learned Counsel for the applicant submits that according
to the prosecution on 19 February 2021, the car in which the present

applicant, co-accused Najuddin Qazi and Rohan Ghusar were travelling, was intercepted and 55 kg. 'Ganja' was recovered from the dicky of the car. It is submitted that the Sessions Court has released the co-accused Najuddin Qazi on bail. The learned Counsel for the applicant submits that there are no other criminal antecedents. It is submitted that on the ground of parity, the applicant may be released on bail.

5. On the other hand, the learned APP for the State submits that the applicant was the owner of 'Ganja' and therefore, the benefit of parity cannot be extended to the present applicant. It is submitted that considering the nature of offence, the applicant may not be released on bail.

6. I have perused the charge-sheet. Prima facie, there appears to be no material on record to show that the present applicant was the owner of Ganja. There are no criminal antecedents. I am therefore inclined to release the applicant on bail on the ground of parity. Hence, the following order is passed :

- (i) Application is allowed.
- (ii) The applicant - Shaikh Arbaz Abdul Hamid be released on bail in Crime No. 83 of 2021 registered at Malegaon Taluka Police Station, Nashik for the offences punishable under Sections 20-B and 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

(iii) The applicant shall attend the concerned police station once in a month i.e. on first Saturday between 11.00 a.m. to 2.00 p.m. till conclusion of trial.

(N.R. BORKAR, J.)

KANCHAN
PRASHANT
DHURI

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