



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

BAIL APPLICATION NO.1307/2023

MUMTAJ AHMD. MOHD. JABIR @ IMTIYAZ ..APPLICANT
VS
STATE OF MAHARASHTRA ..RESPONDENT

Mr. Mahendra N. Sandhyanshiv for the Applicant.
Ms. Veera Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : AUGUST 23, 2023.

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.
2. This is an application for bail by the applicant in connection with First Information Report (FIR) No.77 of 2022 dated 22/12/2022, registered with Ayesha Nagar Police Station, Malegaon, District- Nashik, for the offence punishable under Sections 328, 276 read with 34 of the Indian Penal Code, 1860 and under Sections 22 and 22(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short "NDPS Act").
3. The applicant was arrested on 22/12/2022. The

applicant was found in possession of "Alprazolam" tablets which the prosecution alleges that the applicant wanted to sell in the open market without any prescription or permission. The applicant could not provide any bills for the purchase thereof.

4. Learned APP vehemently opposed the application.

5. The quantity found in the possession of the applicant is an intermediate quantity, therefore, the rigours of section 37 of the NDPS Act will not apply. The applicant is in custody for a period of more than 8 months. The trial is likely to take a long time to conclude. There are no criminal antecedents against the applicant. There is nothing on record to indicate that the applicant is a flight risk. The investigation is complete and the charge sheet is filed. In this view of the matter, the applicant can be enlarged on bail. Hence, the following order:

ORDER

(a) The applicant- Mumtaj Ahmd. Mohd. Jabir @ Imtiyaz in connection with FIR No.77 of 2022 dated 22/12/2022, registered with Ayesha Nagar Police Station, Malegaon, District- Nashik, shall

be released on bail on his furnishing P.R. Bond of Rs.50,000/- with one or more sureties in the like amount.

(b) The applicant is permitted to furnish cash bail surety in the sum of Rs. 50,000/- for a period of 4 weeks in lieu of surety.

(c) The applicant shall report to the Investigating Officer of the Ayesha Nagar Police Station once in a month every first 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 the area of Nashik district without prior permission of the trial Court.

(g) The applicant shall attend the trial regularly.

6. The application is disposed of.

(M. S. KARNIK, J.)