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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 1848 OF 2023
IN
CRIMINAL BAIL APPLICATION NO. 2221 OF 2021**

Ayub Akbarsha MakandarApplicant

V/s.

The Inspector of Customs and anotherRespondents

Mr. Mithilesh Mishra i/b Mr. Raju L. Mate Advocate for the Applicant
Mr. R. M. Pethe APP for the State
Mr. Jai Vohra i/b Mr. Amit Munde, SPP for Customs, Pune for
Respondent No. 1

CORAM : GAURI GODSE, J.

**DATED : 17th MAY, 2023
(VACATION COURT)**

P.C. :-

1. This Interim Application is filed by the Applicant seeking temporary bail in connection with C. R. No. 2 of 2015 registered with the Customs Department (Narcotic Cell), Pune for the alleged offences punishable under Sections 8(C), 22(C), 25 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 . Application is filed for temporary bail on the ground of visiting his ailing mother who was suffering from cancer. Learned counsel appearing for the

Applicant states that Applicant's mother expired on 16th May 2023 and thus he may be released immediately to attend the funeral and to enable him to attend the last rituals.

2. Learned counsel appearing for Respondent No. 1 has objected for grant of temporary bail on the ground that the allegations against the Applicant are serious in nature. He submitted that instead of granting bail, Applicant may be allowed to attend the funeral and last rituals under police protection.

3. Learned counsel appearing for the Applicant submitted that by order dated 10th February 2023, he was granted temporary bail for a period of one week for meeting his ailing mother. He submitted that after period of temporary bail, Applicant has surrendered. He therefore submitted that on the similar conditions, Applicant may be granted temporary bail. Learned counsel states that he may be granted temporary bail till 28th May 2023 as he is required to attend last rituals on 27th May 2023 and 28th May 2023 also. Learned counsel for the Applicant submits that he will not ask for further extension of temporary bail. There are no other criminal antecedents pointed out.

4. Considering the aforesaid facts and circumstances, I am inclined to allow present Application by granting temporary bail on

the following conditions:

- I. Applicant shall be enlarged on temporary bail till 28th May 2023 in connection with C. R. No. 2 of 2015 registered with the Customs Department (Narcotic Cell), Pune for the alleged offences punishable under Sections 8(C), 22(C), 25 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 on furnishing cash bail of Rs. 25,000/-.
- II. Applicant to surrender on 29th May 2023.
- III. Applicant shall attend the concerned police station within whose jurisdiction he is going to reside after his release on every alternate day till 28th May 2023 between 11.00 a.m. to 2.00 p.m.
- IV. Application is allowed in the aforesaid terms.
- V. Parties to act on authenticated copy of this order.

(GAURI GODSE, J.)