

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 1861 OF 2022**

Gufran Shakeel Ahmed

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. Dilip Mishra i/b Mr. Ayaz Khan for the Applicant.

Mr. P.H. Gaikwad Patil, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 28 FEBRUARY 2023

P.C. :-

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

2. The applicant came to be arrested in Crime No. 788 of 2021 registered at Malegaon Police Station, Nashik for the offences punishable under Sections 20(b), 20(c), 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act (NDPS).

3. I have heard the learned counsel for the applicant and the learned APP for the respondent-State.

4. According to the prosecution, on the date of incident, which took place on 17 October 2021, the present applicant was apprehended and was found in possession of about 138 kgs of Ganja.

5. It appears that the applicant was apprehended on the basis of secret information and entry in respect of said information was made in the station diary. However, prima facie, there appears to be non compliance of sub Section 2 of Section 42 of the NDPS Act.

6. There are no other criminal antecedents. Considering the overall facts and circumstances, I am inclined to release the applicant on bail. Hence, the following order is passed:

- (i) Application is allowed.
- (ii) The applicant shall be released on bail in in Crime No. 788 of 2021 registered at Malegaon Police Station, Nashik for the offences punishable under Sections 20(b), 20(c), 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act (NDPS) on furnishing PR 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 the trial.

(N.R. BORKAR, J.)