

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

BAIL APPLICATION NO. 2086 OF 2022

Chanchal Nathuram Chinoriya
Age : 34 Years, Occupation : Porter,
R/a. : Room No.3, Samrat Nagar,
Lalit Kirana Store, Mumbra, Thane

...Applicant

vs.

State of Maharashtra,
(At the instance of Mumbra Police
Station, Mumbai).

...Respondent

Mr.Ajay L. Bhise, Advocate for the Applicant.
Mr.Y.Y.Dabke – APP for the Respondent-State.
Mr.Nitin Bhosale-PSI-Mumbra Police Station.

CORAM : S. M. MODAK, J.
DATE : 6th MARCH, 2023

P. C. :-

1. Heard learned Advocate Shri.Ajay Bhise for the Applicant and learned APP Shri.Y.Y.Dabke for the Respondent-State.
2. This Court as per the order dated 21st February, 2023 passed in Bail Application No.3170 of 2022, was pleased to grant bail to co-accused Mohamed Arif Mohammed Shafi. A copy of that order is placed on record.

3. According to the Applicant, his role is similar to that of Mohammad. It is disputed on behalf of the Prosecution. Learned APP is opposing the same.

4. With the assistance of learned Advocate for the Applicant, I have read over the complaint lodged by the Police Constable on 16th November, 2021. An offence under Section 8(c), 22(b), 22(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 [“NDPS Act”] came to be registered at Mumbra Police Station. During personal search of the Applicant, crystal powder of Mephedrone 5 gram was found. Admittedly, it is not a commercial quantity. I have read the order dated 21st February, 2023.

5. In view of that, as this is not a commercial quantity, bar under Section 37 of the NDPS Act is not applicable. Hence, Applicant deserves to be released on bail. Hence, order :-

O R D E R

- (i) Application is allowed.
- (ii) Applicant Chanchal Nathuram Chinoriya be released on bail in connection with C.R. No. 1120 of 202 dated 17th November, 2021 registered with Mumbra Police Station, Thane City on furnishing P.R. Bond of Rs.1,00,000/- with one or more sureties in the like amount.

- (iii) 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.
- (iv) The Applicant shall attend the concerned Police Station in a month on every Monday of the first week between 11.00 a.m., and 1.00 p.m. for one year.
- (v) 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.
- (vi) The Applicant shall not leave the area of Thane District without the leave of the trial Court till the trial is over.

6. It is made clear that the observations made herein are prima facie, and the trial Court shall decide the case on its own merits, in accordance with the law, uninfluenced by the observations made in this order.

7. Application is disposed of in the aforesaid terms.

8. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]