



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

BAIL APPLICATION NO.1749/2023

MANIK BABAN NIKAM

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Pankaj P. Deokar for the applicant.
Ms. Rutuja Ambekar, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 7, 2023.

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for bail in respect of the offence punishable under Sections 8(c), 20(B)(2)(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereafter 'NDPS' for short) registered on 2/12/2022 vide C.R. No.771/2022 with Sangli City Police Station, Sangli.
- 3.** The applicant is the accused no.3. The applicant along with three other accused were sitting in one Suzuki ECO car in suspicious condition. The respondent inquired with the accused but they gave evasive answers, hence, the car was

searched. In the car, the raiding staff found two packets of 'ganja' weighing 1 kg 973 gms. worth Rs. 19,730/-.

4. Learned APP while opposing the bail application submitted that there is criminal antecedent reported against the co-accused. It is further submitted that the bail should not be granted.

5. The applicant was arrested on 2/12/2022 and now is in custody for more than eleven months with no possibility of the trial concluding any time soon. The applicant is not found in possession of the commercial quantity, therefore, the rigours of Section 37 of the NDPS Act will not apply. The investigation is complete. The charge-sheet has been filed. There are no criminal antecedents reported against the applicant. The applicant does not appear to be a flight risk. The applicant can be enlarged on bail by imposing conditions. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant- Manik Baban Nikam in connection with C.R. No.771/2022 registered with Sangli City Police Station, Sangli, shall be released on bail on his furnishing P.R. Bond

of Rs.25,000/- with one or more local/sureties in the like amount.

(c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 25,000/- for a period of 6 weeks in lieu of surety.

(d) The applicant shall attend the Investigating Officer of Sangli City police station once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m. till the trial concludes.

(e) 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.

(f) 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.

(g) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(h) The applicant shall surrender his passport, if any, to the investigating officer.

6. The application is disposed of.

(M. S. KARNIK, J.)