

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2892 OF 2021

Datta P. Kalyani ...Applicant
V/s.
The State of Maharashtra ...Respondent.

Mr. Vanraj R. Shinde for the Applicant.
Mr. P.H. Gaikwad-Patil, APP for the Respondent/State.

CORAM : N.R. BORKAR, J.
DATE : 06.03.2023.

P.C. :

1. This is an application under Section 439 of Code of Criminal Procedure for bail.
2. The applicant came to be arrested in Crime No.521 of 2020 registered at Bhosari Police Station, Pimpri-Chinchwad for the offences punishable under Sections 8(c) and 20(b)(ii) (C) of the Narcotic Drugs and Psychotropic Substance Act (N.D.P.S. Act).
3. I have heard the learned counsel for the applicant and the learned APP for the respondent - State.
4. On 10 October 2020, the present applicant was apprehended and was found in possession of 37 Kgs. of Ganja.
5. The learned Counsel for the applicant submits that there is a non-compliance of Section 50 of the N.D.P.S. Act. It is submitted that the applicant is in jail for about 2½ years and the trial is still

at the stage of framing of charge.

6. On the other hand, the learned APP submits that 37Kgs. of Ganja, which is commercial quantity was found in possession of the applicant. It is submitted that considering the nature of offence, the applicant may not be released on bail.

7. The learned APP has not disputed that the trial is still at the stage of framing of charge. Considering the overall facts and circumstances and as there are no other criminal antecedents, I am inclined to release the applicant on bail. In the result, the following order is passed.

ORDER

A] Application is allowed.

B] The applicant be released on bail in C.R. No. 521 of 2020 registered at Bhosari Police Station, Pimpri-Chinchwad for the offences punishable under Sections 8(c) and 20(b) (ii) (C) of the Narcotic Drugs and Psychotropic Substance Act on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

C] 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.]