



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

BAIL APPLICATION NO. 2410 OF 2023

SONUKUMAR MOTIKUMAR SHAH JAISWAR..APPLICANT
VS.
STATE OF MAHARASHTRA ..RESPONDENT

Mr. Vikas Chavan a/w Mr. Kamlesh Satre, for the applicant.
Ms. Veera Shinde, APP for the State.
ASI- M.B.Parab, Mahatma Phule Chawk police station present.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 07, 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) read with 17(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereafter 'the NDPS Act' for short) registered on 11/12/2022 vide C.R. No.695 of 2022 with Mahatma Phule Chawk police station, District Thane.
- 3.** There are in all 3 accused. The applicant is the accused no.1. The applicant was arrested on 11/12/2022.
- 4.** In a bag the applicant was carrying, contraband opium of 1 kg

was recovered. It is the contention of learned counsel for the applicant that there is non-compliance of section 50 of NDPS Act as while intimating the applicant about his right to be searched in the presence of Magistrate or gazetted officer, the signatures of the panchas were not obtained. Learned APP submitted that the panchanama duly signed by the panchas clearly revealed that proper procedure in accordance with section 50 was followed during the search. In any case, the applicant was arrested on 11/12/2022 and is now in custody for almost 10 months. The investigation is complete. The charge-sheet has been filed. As the applicant was found in possession of a intermediate quantity of contraband, rigours of section 37 of the NDPS Act will not apply. There are no criminal antecedents reported against the applicant.

5. Learned APP submitted that the applicant is from Jharkhand and there is every possibility that he may jump bail. Learned counsel submitted that the applicant's sister- Poonam Pankaj Jaiswal is residing at 2/15 Prem Milan Apartment, Kamla Niwas, Near Nana Pawshe Chowk, Kalyan (East) and that he will reside with her during the pendency of the trial. The apprehension of learned APP that the applicant may jump bail can be allayed by imposing conditions.

Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Sonukumar Motikumar Shah Jaiswar in connection with C.R. No.695 of 2022 registered with Mahatma Phule Chawk police station, District Thane shall be released on bail on his furnishing P.R. Bond of Rs.1,00,000/- with one or more local sureties in the like amount.
- (c) The applicant shall attend the investigating officer of Mahatma Phule Chawk police station, District Thane every alternate 1st and 3rd Monday of the month between 11.00 a.m. and 1.00 p.m. commencing from November 2023.
- (d) 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.
- (e) 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.

(f) During the pendency of the trial, the applicant shall reside with his sister-Poonam Pankaj Jaiswal who is residing at 2/15 Prem Milan Apartment, Kamla Niwas, Near Nana Pawshe Chowk, Kalyan (East). The investigating agency may verify the details of the applicant's sister's residence prior to his release on bail.

(g) The applicant shall not leave Thane District without permission of the trial Court.

(h) The applicant shall attend trial regularly.

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

6. The application is disposed of.

(M. S. KARNIK, J.)