



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

BAIL APPLICATION NO. 2246 OF 2023

NISAR AHMED KHURSHID AHMAD ..APPLICANT

VS.

THE STATE OF MAHARASHTRA ..RESPONDENT

Mr. Nitin Gaware Patil a/w Mr. Anandmaya Dhorde for the Applicant.

Ms. Rutuja Ambekar, APP for the State.

PSI V.A. Pardeshi, Pawarwadi Police Station.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 03, 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 328, 276 and 34 of the Indian Penal Code and Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered on 12/01/2023 vide C.R. No.11 of 2023 with Pawarwadi Police Station, Nashik.
- 3.** The applicant was arrested on 12/01/2023. After

following the requisite procedure under the law, the applicant was searched. Respondent had received secret information that the applicant is carrying contraband. The applicant was found with 20 strips each containing 10 tablets of contraband namely "AIPROZOAN".

4. Learned counsel for the applicant states that the quantity is non-commercial. There are no criminal antecedents reported against the applicant. The investigation is complete and the charge-sheet has been filed. Considering that the applicant is in custody for more than 9 months, the applicant can be enlarged on bail by imposing stringent conditions. Further custody will only be by way of a pre-trial punishment. In the present case, the rigours of Section 37 of the NDPS Act will not be applicable. The applicant does not appear to be a flight risk. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Nisar Ahmad Khurshid Ahmad in connection with C.R. No.11 of 2023 registered with Pawarwadi Police Station shall be released on bail on

his furnishing P.R. Bond of Rs.50,000/- 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. 50,000/- for a period of 6 weeks in lieu of surety.

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

(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.

5. The application is disposed of.

(M. S. KARNIK, J.)