

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2640 OF 2022**

Jainul Aabitali Bori ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Dilip Shinde i/b Mr. Mukund Mane a/w Mr. Sachin Bhavar for
the Applicant.

Mr. P.H. Gaikwad Patil, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 5 JANUARY 2023

P.C. :-

This is an application under Section 439 of the Code of Criminal Procedure for bail.

2. The applicant came to be arrested in Crime No. 130 of 2021 registered at Taloja police station for the offences punishable under Sections 8(c), 20, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. Pursuant to search information, on 16 April 2021, the applicant was apprehended and 502 grams of Charas was found in his possession.

4. I have heard the learned counsel for the applicant and the learned APP for the respondent-State.

5. The learned counsel for the applicant submits that there is non compliance of Section 50. It is further submitted that the applicant is in jail for about two years. It is submitted that there are no other criminal antecedents.

6. The learned APP submits the applicant is not the permanent resident of Maharashtra. It is submitted that considering the nature of offence, the applicant may not be released on bail.

7. The commercial quantity for Charas is 1kg. Thus, the quantity of Charas found in possession of the applicant was less than the commercial quantity. The applicant is in jail for about two years. There are no criminal antecedents. Considering these facts, I am inclined to release the applicant on bail. Hence, the following order is passed:

- (i) Application is allowed.
- (ii) The applicant shall be released on bail in Crime No. 130 of 2021 registered at Taloja police station for the offences punishable under Sections 8(c), 20, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 on furnishing PR bond in the sum of Rs. 1,00,000/- with one or two sureties in the like amount.

(N.R. BORKAR, J.)