

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT NAGPUR, NAGPUR.

...
CRIMINAL APPLICATION (BA) NO. 102/2023

Mohd. Faizan s/o Mohd. Nisar Sheikh

.. Applicant

versus

The State of Maharashtra

Th: Its PSO Manora, Dist.Washim

.. Respondent

.....
Mr. S.G.Varshani, Advocate for the applicant

Mr. I.J.Damle, APP for Respondent
.....

CORAM: ANIL L. PANSARE, J.

DATED : 2nd March, 2023.

PC:

The learned APP submits that the charge-sheet in the matter has been filed.

2. Mr Varshani, the learned counsel for the applicant, however, insisted that the Application be taken up today itself for orders as the quantity of contraband recovered from the applicant is three grams of Mephedrone, which is a small quantity. He then submits that the maximum punishment for the offence in which small quantity is possessed is six months.

3. I have gone through the provisions of the Narcotic Drugs and Psychotropic Substances Act, 1985, so also the notification indicating small and commercial quantity of Mephedrone which is at Sr. No. 238-F. The small quantity is two grams and the commercial quantity is 50 grams.

4. Thus, the learned counsel has misled this Court by stating that three grams is a small quantity and that the punishment is six months, whereas the quantity would fall in the category of intermediate

and the punishment is upto 10 years. Having misled the Court, the Criminal Application is rejected.

5. At this stage, learned counsel for the applicant tenders profuse apology. Apology is accepted, with a hope that he will be careful in future, while making bold statements.

(ANIL L. PANSARE, J.)

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