



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

Criminal Application [BA] No.531 of 2023

Smt. Puja Harish Mohite

vs.

State of Maharashtra, through P.S.O. Samudrapur, Wardha

*Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.*

Court's or Judge's Orders

Mr. Mahesh Rai, Advocate for the Applicant.

Mr. G.S. Umale, A.P.P. for the Non-Applicant/State.

CORAM : M.W. CHANDWANI, J.
DATE : 10th OCTOBER, 2023.

By the present application, the applicant seeks bail in connection with Crime No.82/2023, registered with Police Station Samudrapur, District Wardha, for the offences punishable under Sections 20(b) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS Act' for short).

02] Heard the learned Counsel for the applicant as well as the learned A.P.P. for the non-applicant/State.

03] Having gone through the charge-sheet, it transpires that on 30/01/2023 at about 20:45 hours, the applicant along with co-accused came on Yamaha motorcycle and stopped in front of 'Navya' Hotel. The applicant met with co-accused viz. Hema and handed over one parcel to her. Therefore, the police personnels accosted them. Meanwhile, the person, who was accompanied with the applicant, fled away from the spot. Police arrested the applicant and seized 5060 grams of contraband Ganja (Marijuana) from her and 4896 grams from other co-accused Hema. Therefore, offence under the

NDPS Act came to be registered against the applicant and other co-accused.

04] It appears that the other co-accused Hema has already been released on bail. However, the application of the applicant came to be rejected. It transpires from the charge-sheet that seized contraband Ganja is not of commercial quantity, but is of intermediate quantity. The applicant is behind the bars since 31/01/2023. Charge-sheet has already been filed. The other co-accused has already been released on bail. The applicant is having fixed place of abode and, therefore, there is no likelihood that the applicant will flee away from justice.

05] Considering the quantity of seized contraband and the period of detention and also considering the fact of releasing the other co-accused on bail, in my opinion, a case is made out for exercising discretion in favour of the applicant. Hence, the following order :

ORDER

- I. Applicant-Puja Harish Mohite shall be released on bail in connection with Crime No.82/2023, registered with Police Station Samudrapur, District Wardha, on her furnishing a P.R. Bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one solvent surety in the like amount, before the trial Court.
- II. The applicant shall not indulge in the similar type of offences.

III. The applicant shall not tamper with the prosecutions evidence and shall not threaten or pressurize any witness, who are connected with the crime, in any manner.

IV. The application is allowed and disposed of accordingly.

JUDGE

**sandesh*