



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

CRIMINAL APPLICATION (BA) NO.767 OF 2023
Shatrughna s/o Bhaulal Chavan Vs. State of Maharashtra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri S.V. Sirpurkar, Advocate for applicant.
Shri V.A. Thakre, APP for non-applicant/State.

CORAM : M.W. CHANDWANI, J.
DATE : OCTOBER 12, 2023.

The applicant is seeking bail in connection with Crime No.120/2023 registered with Police Station, Hiwarkhed, Taluka Akot, District Akola for the offence punishable under Sections 8(c), 20(b) of the Narcotic Drugs and Psychotropic Substances Act.

2. Heard learned counsel for the applicant as well as learned APP for the State. I have perused the charge-sheet.

3. Perusal of charge-sheet transpires that on 28.03.2023 the police received secret information that applicant is possessing contraband ganja for selling and therefore the police party was laid a trap near Gordha Phata. They intercepted one motorcycle which was being driven by the applicant and the co-accused. They seized contraband ganja including greenish leaves and stems of quantity of 15.450 kg. Necessary samples were taken and on the complaint of API Prakashrap Chavan, the aforesaid offences

came to be registered against the applicant and other co-accused. The applicant came to be arrested.

4. It also transpires from the charge-sheet that the said seized articles were containing greenish leaves and stems. Gross weight of the seized contraband is of intermediate quantity. As per notification of the Central Government, the quantity of more than 20 kg is considered as commercial quantity. The charge-sheet has already been filed. So far as contention of the learned APP that the applicant was facing charge of similar offence in the trial is concerned, it is reported that the applicant has been acquitted in the said offence.

5. The contraband is of intermediate quantity. The charge-sheet has already been filed. The applicant is behind bars for more than six months. There is no likelihood that the applicant would flee away from justice. A case is made out for exercising discretion in favour of the applicant. Hence, I proceed to pass the following order:

ORDER

- i. The application is allowed.
- ii. The applicant - Shatrughna s/o Bhaulal Chavan, shall be released on bail in connection with Crime No.120/2023 registered with Police Station, Hiwarkhed, Taluka Akot,

District Akola for the offence punishable under Sections 8(c), 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985, on furnishing PR bond in the sum of Rs.50,000/- with one solvent surety in the like amount.

iii. The applicant shall not induce, threaten, or promise any witness, who are connected with the alleged crime.

iv. The applicant shall not indulged himself in the similar type of offence.

v. The observations made in this order are prima facie. The trial Court shall not get influenced by the observations made in this order.

The application is disposed of.

JUDGE

Wagh