



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

CRIMINAL APPLICATION (BA) NO.780 OF 2023

Vatan Laxman Tadeipalli Vs. State of Maharashtra, PSO, PS, Ghuggus,
Dist.Chandrapur.

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

Court's or Judge's orders.

Shri S.P. Bhandarkar, Advocate for applicant.
Shri A.M. Kadukar, APP for non-applicant/State.

CORAM : M.W. CHANDWANI, J.

DATE : OCTOBER 05, 2023.

The applicant is seeking bail in connection with Crime No.12/2023 registered with Police Station, Ghuggus, District Chandrapur for the offences punishable under Sections 8(c), 20(b)(ii) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Heard learned counsel for the applicant and learned APP for non-applicant/State. I have gone through the record.

3. It appears that on receipt of secret information, the police party raided the house of the applicant and seized contraband article charas having a weight of 174 gm worth Rs.17,400/- from the kitchen of the house of the applicant. Accordingly, the aforesaid offence came to be registered against the applicant and the applicant was arrested immediately. It is contended on behalf of learned counsel for

NOTE: Corrected as per Hon'ble Court's order dated 09.10.2023.

the applicant that the applicant has not committed any offence and has been falsely implicated in the crime. According to him, it is very easy to implicate anybody in a serious offence like NDPS Act. It is contended that till today the Chemical Analysis report has not come, therefore, the case of the prosecution is doubtful. It is further contended that the seized contraband is not a commercial quantity and is more than a small quantity. According to him, the rigor of section 37 of the NDPS Act will not come in the way while considering the bail.

4. *Per contra*, learned APP for the non-applicant/State vehemently submits that the contraband has been seized from the kitchen of the house of the applicant. The applicant is a habitual offender. According to him, one case under the NDPS Act is already registered against him. According to him, if he is released on bail, he will be involved in similar activity, and therefore, prays for rejection of bail.

5. Admittedly, the contraband charas seized from the applicant, is not of a commercial quantity. Therefore, rigor of section 37 of the NDPS Act will not attract. Even today, there is no Chemical Analysis report on record to show that the contraband seized from the applicant is nothing but charas. Be that as it may, the fact remains that the investigation is completed and charge-sheet is already filed. The applicant has been behind bars for about nine months. There is no

likelihood that the applicant would flee away from justice. Hence, discretion can be exercised in favour of the applicant. Accordingly, I proceed to pass the following order:

ORDER

- i. The application is allowed.
- ii. The applicant - Vatan Laxman Tadepalli, be released in connection with Crime No.12/2023 registered with Police Station, Ghuggus, District Chandrapur for the offences punishable under Sections 8(c), 20(b)(ii) of the Narcotic Drugs and Psychotropic Substances Act, 1985, on furnishing PR bond in the sum of Rs.30,000/- with one solvent surety in the like amount.
- iii. The applicant shall not indulged himself in the similar type of offence.
- iv. The applicant shall not threaten the prosecution witness or tamper with the prosecution evidence.

The application is disposed of.

JUDGE

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