



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

946 BAIL APPLICATION NO. 1175 OF 2024

MATIN BASHIR SHAIKH

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Dushing Sanjay B., Ms. Zaware
Suvarna M.

APP for Respondent/s-State : Mr. S. B. Pulkundwar.

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CORAM : S. G. MEHARE, J.

DATE : 07.08.2024

PER COURT :-

1. Heard the learned counsel for the applicant and learned APP for the respondent/s-State.
2. The applicant seeks bail in Crime No.526 of 2024, registered with Kotwali Police Station, District Ahmednagar, for the offences punishable under Sections 8(C) and 20(B)(II) of the NDPS Act.
3. The learned counsel for the applicant would submit that Ganja was not recovered from the conscious possession of the applicant. It was recovered from beneath the bed of his mother. The quantity is less than commercial. Hence, Section 37 would not come into play. He is the sole bread earner of his family.

He is languishing in jail since last three months. Nothing is to be recovered from him. Hence, he may be granted bail.

4. The learned APP strongly opposed the application. He would submit that the offence is serious. Eight k.g. Ganja has been recovered from the house of the applicant. Ganja was in conscious possession of the applicant. Hence, bail may not be granted to him.

5. Admittedly, the quantity of Ganja is lesser than the commercial quantity. Ganja is recovered from the house of the applicant. There are no antecedents to his discredit. He seems to be first time offender. The material investigation has been completed. In the circumstances, the rider of Section 37 of the NDPS Act does not apply. No purpose would be served keeping the applicant behind bar, as the trial may take its time. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **MATIN BASHIR SHAIKH** be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent

surety of like amount, on the following conditions :

- (a) He should not tamper with the prosecution witnesses.
- (b) He should not involve in identical crimes.
- (c) He should attend the Police Station as and when called on written notice by Investigating Officer till filing of charge sheet.

(S. G. MEHARE, J.)

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vmk/-