

Arjun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.225 OF 2024

Alok Surendra Mazi

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Sachin H. Deokar, for the Applicant.

Ms. Veera Shinde, APP, for the Respondent-State.

CORAM : MADHAV J. JAMDAR, J.

DATED : FEBRUARY 20, 2024

P.C.:

1. Heard Mr. Deokar, learned Counsel appearing for the Applicant and Ms. Shinde, learned APP appearing for the Respondent-State.

2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The relevant details are as follows:-

1	C. R. No.	303 of 2023
2	Date of registration of F.I.R.	27/04/2023
3	Name of Police Station	Juna Rajwada Police Station, Kolhapur
4	Section/s invoked	8(c), 20(b)(ii) & 29 of the <i>N.D.P.S. Act, 1985</i>
5	Date of incident	27/04/2023

6	Date of arrest	29/04/2023
7	Date of filing Charge-sheet	Charge-sheet is filed

3. As per the prosecution case, on 27th April 2023, the Police Sub-Inspector of Juna Rajwada Police Station, Kolhapur received a tip off and therefore Accused No.1 was apprehended and he was found in possession of 5 packets of 10 kg and 114 grams *Ganja* during the investigation. On the basis of information given by the Accused No.1, Accused Nos.2 and 3 were apprehended.

4. Mr. Deokar, learned Counsel appearing for the Applicant submitted that the Accused Nos.2 and 3 have been granted bail by the learned Trial Court as the quantity seized is not commercial quantity and therefore no offence is made out under the *Narcotic Drugs and Psychotropic Substances Act, 1985* ("**N.D.P.S. Act**"). He submitted that however as the Applicant is from Odisha, he has not been granted bail on the ground that it would be difficult to secure his presence for trial.

5. However, on the last occasion, Mr. Deokar, learned Counsel appearing for the Applicant submitted that Mr. Rahulla Kalandar Faras, resident of Shingnapur, Taluka-Karveer, District-Kolhapur is ready to stand as surety to secure Applicant's presence. As quantity of *Ganja* seized is not commercial and as there are no other antecedents, the Applicant satisfies the twin conditions as contemplated under Section 37 of the N.D.P.S. Act.

6. It is an admitted position that investigation has been completed and that Charge-sheet has been filed. There are 29 witnesses proposed to be examined by the prosecution as per the Charge-sheet. The trial is unlikely to conclude any time soon and is likely to take a considerably long time.
7. The Applicant does not have any criminal antecedents.
8. The Applicant does not appear to be at risk of flight.
9. Accordingly, the Applicant can be enlarged on bail by imposing conditions. In view thereof, the following order:-

ORDER

- (a) The Applicant- Alok Surendra Mazi be released on bail in connection with C. R. No.303 of 2023 registered with the Juna Rajwada Police Station, District-Kolhapur on his furnishing P.R. Bond of Rs.50,000/- with two or more solvent local sureties in the like amount.
- (b) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.
- (c) The Applicant shall report to the Juna Rajwada Police Station, District- Kolhapur once in a week i.e. on every Sunday of every month between 11.00 a.m. and 1.00 p.m. until the conclusion of the trial.
- (d) The Applicant will not leave the jurisdiction of Kolhapur City.
- (e) The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted

with the facts of the case, so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.

- (f) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.
- (g) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.
- (h) The Applicant shall surrender his passport, if any, to the Investigating Officer.

10. The Bail Application is disposed of accordingly.

11. It is clarified that the observations made herein are *prima facie* and the trial Court shall decide the case on its own merits and uninfluenced by the observations made in this Order.

[MADHAV J. JAMDAR, J.]