

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 3142 OF 2023

Rajkumar Lalchand Gupta
alias Raj Beil
Versus
The State of Maharashtra

.Applicant

.Respondent

Mr. Taraq Sayed a/w. Ms. Ashwini Achari, Advocate for the Applicant.
Ms. Veera Shinde, APP for the Respondent – State.

CORAM: MADHAV J. JAMDAR, J.
DATE: 06.02.2024

P. C.

1. Heard Mr. Sayed, 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.	788 of 2022
2.	Date of Registration of F.I.R.	11.12.2022
3.	Name of Police Station	Tulinj Police Station-Palghar
4.	Sections invoked	8(c) r/w. 22(c) of the N.D.P.S. Act, 1985 3 and 25(1)(b) of the Arms Act, 1959
5.	Date of incident	11.12.2022
6.	Date of arrest	11.12.2022
7.	Date of filing Charge-sheet	25.05.2023

3. As per the prosecution case, on 11.12.2022, when the informant and the Police personnel were on a patrolling duty, at that time, they restrained the Applicant and while conducting a search, they found 100 gm Mephedrone contraband, one pistol and live cartridges on the Applicant.

4. However, Mr. Sayed, learned Counsel appearing for the Applicant states that C.A. Report was earlier awaited and now the same is received. He further states that Examination Report from the Regional Forensic Science Laboratory, State of Maharashtra, Home Department, is received and Mephedrone (4 - Methylnmethcathinone) was not detected. He submitted that therefore, no offence is made under the provisions of the *Narcotic Drugs and Psychotropic Substances Act, 1985* ("NDPS Act"). Insofar as the offence under the *Arms Act, 1959* is concerned, Charge-sheet is already filed.

5. Ms. Shinde, learned APP appearing for the Respondent - State vehemently opposed the Bail Application and submitted that there are 8 antecedents. However, in view of the C.A. Report dated 07.09.2023, as Mephedrone contraband was not detected, no offence is made out under the NDPS Act.

6. It is an admitted position that investigation has been completed and that Charge-sheet has been filed on 25.05.2023.

The trial is likely to take a considerably long time.

7. The Applicant does not appear to be at risk of flight.

8. Accordingly, the Applicant can be enlarged on bail by imposing conditions. In view thereof, the following order:-

ORDER

(a) The Applicant - Rajkumar Lalchand Gupta *alias* Raj Beil be released on bail in connection with C.R. No.788 of 2022 registered with the Tulinj Police Station, District - Palghar on his furnishing P. R. Bond of Rs.50,000/- with one or two solvent 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 not leave District - Palghar except with the leave of the learned Trial Court.

(d) The Applicant shall report to the Tulinj Police Station, District - Palghar on the first Sunday of every month between 11.00 a.m. and 1.00 p.m. until the conclusion of the trial.

(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 evidence and shall not contact or influence the Complainant or any witnesses 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.

9. The Bail Application is disposed of accordingly.

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

[MADHAV J. JAMDAR, J.]