

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

CRIMINAL BAIL APPLICATION NO. 344 OF 2024

Ketan Mahendrasing Girase ...Applicant
Versus
The State of Maharashtra ...Respondent

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Mr. Himanshu Gavit, Advocate for the Applicant.

Mrs. Geeta Mulekar, APP for the Respondent – State.

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CORAM : ANIL S. KILOR, J.

DATE : 2nd JULY, 2024.

P.C.:

1. Heard.
2. By this application under Section 439 of the Code of Criminal Procedure, the applicant is seeking bail in Crime No.471 of 2023, registered with Ambad Police Station, District: Nashik for the offences punishable under Sections 8(c), 20(ii)(c) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') and Section 34 of Indian Penal Code (for short 'IPC').
3. The only argument made by the Applicant is that there is no compliance of Sections 42(1) and 50(1) of NDPS Act.
4. The ganja seized is more than 20 kg and hence it is a commercial quantity. Before carrying out the search, the intimation

was given in writing and which has been signed by the co-accused as the present Applicant was not present in the shop when the search was made. As far as samples are concerned those were taken before the Magistrate. It is thus, *prima facie* there is sufficient evidence to show that a compliance was made of Sections 42(1) as well as 50(1) of NDPS Act.

5. In this circumstances, I do not find it as a fit case to grant bail. Accordingly, the application is rejected.

(ANIL S. KILOR, J.)