

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

CRIMINAL BAIL APPLICATION NO. 438 OF 2024

Museb Abdul Hamid Sakharkar ...Applicant

Vs.

The State of Maharashtra ...Respondent

Adv. S. S. Khan with Mr. Nadeem Shaikh with Mr. Mohd. A. Khatri,
Advocate for Applicant.

Mr. P. P. Deokar, APP for State-Respondent.

CORAM:- ANIL S. KILOR, J.

DATED:- 1st OCTOBER, 2024

PC:-

- 1) Heard.
- 2) By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.380 of 2023 registered with Ratnagiri City Police Station, Ratnagiri, for the offences punishable under Sections 8(c), 20(b)(ii)(a), 22(b) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.
- 3) In the present matter, 118 grams of Ganja was recovered and seized from the applicant, which is a small quantity. Whereas, from the accused No. 1, 9 grams of heroin including the weight of a plastic bag

was recovered, which is an intermediate quantity. As far as the applicant is concerned, there are no antecedents against the applicant.

4) While considering the case of the applicant, the prosecution has considered the contraband recovered from the accused No. 1 and treated it as an intermediate quantity.

5) If the contraband seized from the applicant is considered, admittedly, it is a small quantity and there is nothing to point out that the applicant had any knowledge about the contraband in possession of the accused No. 1.

6) In the above-referenced circumstances and considering that there are no antecedents against the applicant, I am of the opinion that as the charge-sheet has been filed and the applicant is in jail from last one year, further custody of the applicant is not required. Accordingly, I pass the following order.

ORDER

(i) The Bail Application is allowed;

(ii) It is directed that the Applicant shall be released on bail in Crime No.380 of 2023 registered with Ratnagiri City Police Station, Ratnagiri, for the offences punishable under Sections 8(c), 20(b)(ii)(a), 22(b) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, on furnishing P.R. Bond of Rs.25,000/- (Rupees Twenty Five Thousand) with one solvent surety in the like amount;

(iii) The Applicant shall attend said Police Station on 1st and 16th day of every month between 12.00 noon and 2.00 pm till conclusion of trial, except on the date of trial;

(iv) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;

(v) Liberty is granted to the State for cancellation of bail in case Applicant breaches any of the conditions and/or if the applicant commits similar offence;

(vi) The applicant shall attend the trial before the Trial Court regularly on every date unless exempted by the trial Court for any reason.

The application is disposed of.

[ANIL S. KILOR, J.]