

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1973 OF 2024

Kurtweylin Yeves Popkiss

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. Chinmay Patil i/b Mr. Seoul Shah, Advocate for Applicant.

Mr. P. H. Gaikwad, APP for State-Respondent.

CORAM:- ANIL S. KILOR, J.

DATED:- 14th AUGUST, 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. 137 of 2023, registered with Wanwadi Police Station, for the offences punishable under Sections 8(c), 20(b), 20(B)(ii)(A), 22(a), 22(c) and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985.

3) Having gone through the charge-sheet and the material collected by the Investigating Officer during the investigation, it is evident that

there is nothing on record to show that the contraband which was seized from the co-accused was supplied by the applicant.

4) The learned APP, while opposing the present application, is harping upon the statement of the applicant, wherein he has stated that on some occasion, he supplied contraband to the co-accused. However, considering the quantity, which was supplied was not a commercial quantity but an intermediate quantity. Even if the said statement is accepted on its face value, the fact remains that the contraband which was recovered in the present offence from the co-accused, was not supplied by the applicant and nothing has been pointed out to that effect. Moreover, such statement of the applicant cannot be considered as a confession.

5) The applicant is in jail from one and half years and thus considering the nature of allegations against the applicant and the nature of evidence collected by the Investigating Officer during the investigation, though the learned APP has strongly opposed this application, I am of the opinion that there is a reasonable ground to believe that the applicant is not guilty of the alleged offence. Furthermore, considering the antecedents, there is no possibility that if the applicant is released on bail, he will commit similar offence. In the circumstances, 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. 137 of 2023, registered with Wanwadi Police Station, for the offences punishable under Sections 8(c), 20(b), 20(B)(ii)(A), 22(a), 22(c) and 29 of 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 the said Police Station on 1st day of every month between 10.00 am to 11. am, till the conclusion of the 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 to apply cancellation of bail 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.

vii. Application stands disposed of, accordingly.

[ANIL S. KILOR, J.]