

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

CRIMINAL BAIL APPLICATION NO. 2116 OF 2024

Mantu Shambhu Mandal

...Applicant

Vs.

The Union Territory of Dadra and Nagar Haveli
and Daman and Diu and Others

...Respondents

Mr. Ankur Pahade with Mr. Anshuman R. Asare, Advocate for
Applicant.

Mrs. Priyanka S. Rane, APP for State-Respondent.

Mr. Aayush Kedia with Yogni Sarvankar h/f Mr. Hiten Venegavkar, for
Respondent No. 2.

CORAM:- ANIL S. KILOR, J.

DATED:- 22nd NOVEMBER, 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. 158 of 2018 registered with Silvassa Police Station, Dadra and Nagar Haveli, for the offences punishable under Sections 8(c) and 20(b)(ii)(A) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
- 3) The contraband article i.e. 2 kg Ganja, 2825 grams was recovered which was the intermediate quantity. The applicant is in jail from last more than one year and there are no antecedents against the applicant. The Ganja was not recovered from the applicant but from his Panshop,

which was closed and opened in the presence of Panchas. The applicant is disputing ownership of the Panshop. Whereas, the learned Counsel for the respondent submits that during the investigation, sufficient material was collected as regards the ownership of the same from which it is evident that the applicant is the owner.

4) Having considered the fact that the quantity is intermediate and there are no antecedents against the applicant and further considering that the applicant is in jail from last one year, I am of the opinion that further custody of the applicant is not required.

5) At this stage, the learned Counsel for respondent No. 1 states that there is every possibility that the applicant will not be available for trial, if he is released on bail for the reason that he is from Jharkhand.

6) Thereupon, the learned Counsel for the applicant states that the brother of the applicant is present in Court and on his instructions, he further submits that the applicant is ready to give local surety and also to abide by any condition, if imposed by the Court.

7) 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. 158 of 2018 registered with Silvassa Police Station, Dadra and Nagar Haveli, for the offences punishable under Sections 8(c) and 20(b)(ii)(A) of the Indian Penal Code, 1860, on furnishing PR. Bond of Rs.25,000/- (Rupees Twenty Five Thousand) with one local surety in the like amount;

- iii. The applicant shall attend the said Police Station on 1st day of every month between 12.00 noon to 2.00 p.m., 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 breach of condition of this order;
- 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.]