

4. The learned counsel for the applicant points out that there is no compliance of Section 52-A of NDPS and for that purpose he has drawn attention to panchnama and the written intimation given. From the intimation and the panchnama, it is evident that it was not disclosed to applicant that he could be searched by the Magistrate or any Gazetted Officer of any department.

5. Furthermore, the officer who has carried out the search disclosed that he himself is a Gazetted Officer and thereby given the 3rd option that he could also be searched, which is contrary to well settled law.

6. In the circumstances, it is evident that there is no compliance of Section 52-A of the NDPS, Act. Furthermore, there are no antecedents against the applicant and the quantity of the contraband is intermediate quantity. Accordingly, I am of the opinion that the applicant is entitled for grant of bail.

7. In the circumstances, I pass the following order:

ORDER

- i) Criminal application is allowed;
- ii) It is directed that the applicant shall be released on bail in Crime No.148 of 2023, registered with Yeola Police Station, Nashik, for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985, on furnishing P.R.Bond

of 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 10.00a.m. to 11.00 a.m., for next six months and thereafter as and when his presence is required;

v) 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;

vi) Liberty is granted to the State to apply for cancellation of bail in case of the applicant commits similar offence;

vii) The applicant shall attend the trial before the trial Court regularly on every date unless exemption is granted by the trial Court.

7. The application is disposed of .

(ANIL S. KILOR, J)