

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.4014 OF 2024

Sonu Kumar Dharmendra Shah ... Applicant

V/s.

The State of Maharashtra ... Respondent

 Mr. Ayaz Khan with Ms. Zehra Charanai, for the applicant.

Mr. Shantanu Thorat h/f H.S. Venegavkar, for the respondents.

Mr. S.S. Ghag, APP, for the Respondent / State.

CORAM : ANIL S. KILOR, J.

DATE : 12TH DECEMBER, 2024.

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1. Heard.

2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.07 of 2024, registered with Dabhel Police Station, Nani Daman, for the offences punishable under Sections 8(c), 20(b)(ii)(A) of the Narcotic Drugs and Psychotropic Substances Act (in short, 'NDPS' Act).

3. Having gone through the charge-sheet and the relevant material collected by the IO, more particularly, panchnama and inventory, it is evident that the alleged contraband is nothing but the leaves which were recovered from the applicant.

4. The definition of the 'Ganja' given under Section 2 (iii)(b) of the NDPS Act says that, '*Ganja, that is, the flowering or fruiting tops of the cannabis plant (excluding the seeds and leaves when not accompanied by the tops), by whatever name they may be known or designated*'.

5. Thus, considering the definition of 'Ganja', prima facie, the alleged contraband collected in the present matter cannot be considered as 'Ganja'.

6. In the circumstances, there is a reasonable ground to believe that the applicant is not guilty of the alleged offence. Furthermore, there are no antecedents against the applicant, therefore, there is no likelihood that if the applicant is released on bail, he will commit similar offence.

7. At this stage, the learned counsel for the respondent states that the applicant is from the Dadra and Nagar Haveli and Daman and Diu and therefore, there is every likelihood that if he is released on bail, he may not be available for trial. The said apprehensions can be addressed by imposing certain stringent conditions.

8. Accordingly, I pass the following order:

ORDER

- i) Criminal application is allowed;
- ii) It is directed that the applicant be released on bail in Crime No.07 of 2024, registered with Dabhel Police

Station, Nani Daman, for the offences punishable under Sections 8(c), 20(b)(ii)(A) of the Narcotic Drugs and Psychotropic Substances Act, on furnishing PR.Bond of Rupees Twenty-Five Thousand with one solvent surety in the like amount;

iii) The applicant shall provide his address and name of the nearby police station to the IO, which he shall attend the said Police Station on 1st day of every month between 10.00a.m. to 11.00 a.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 for cancellation of bail in case the applicant breaches any condition, misuses of liberty or commits similar offence;

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

The application is disposed of.

(ANIL S. KILOR, J)