



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.360 OF 2025

Magan S/o. Shildar Pawara,
Age : 61 years, Occu. : Labourer,
R/o. Viklapada, Post. Malkatar,
Tq. Shirpur, Dist. Dhule

... Applicant

Versus

The State of Maharashtra,
Through Shirpur Taluka Police Station,
Dist. Dhule.

... Respondent

.....
Mr. Siddhesh G. Ghodke, Advocate for Applicant.
Mr. S. B. Narwade, APP for Respondent - State.

.....

CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 03 APRIL 2025

PRONOUNCED ON : 07 APRIL 2025

ORDER :

1. Instant application is for grant of regular bail on account of arrest of applicant in Crime No. 0135 of 2023 registered at Shirpur Taluka Police Station, District Dhule for offence punishable under sections 20(c) and 22(c) of the Narcotic Drugs and Psychotropic Substances Act.

2. It is submitted that, applicant is arrested in above crime on 19.10.2024. That, police party allegedly raided his house when it was locked and claims to have found contraband. That,

neither applicant nor his family members were present in the house. Learned counsel submits that, there is non compliance of section 52 of NDPS Act. Further according to him, section 37 of NDPS Act does not get attracted. That, furthermore now investigation is over and charge sheet is already filed in January 2025. That, no further recovery or discovery is to be made and therefore according to him, no purpose would be served by further detention of the applicant. According to learned counsel, applicant is ready to abide all and any conditions imposed by this court and he urges for grant of bail.

3. Learned APP opposed on the ground that, huge quantity i.e. commercial quantity is seized. That, on secret information raid was conducted to the house owned and possessed by applicant. That, seizure has been effected by drawing panchanama in presence of Gazetted Officer. Therefore, learned APP opposes for grant of bail.

4. Heard. Perused the FIR dated 21.06.2023 is at the instance of police personnel Mahendra Sapkal, who reported that, secret information was received that one Magan Shildar, resident of Viklapath has stored dried ganja in his house and after informing Superiors and on directions team was constituted, panchas and Gazetted Officer were summoned and the raiding

party paid visit to the spot house and claims to have found four gunny bags of dried ganja. However, in the report itself, it is stated that, applicant was not present and was required to be searched. This shows that, when applicant was not in the house, seizure has been effected. It is also noticed that, dry leaves of alleged ganja are said to be kept beneath the fodder. Learned APP opposed on the ground that quantity seized is commercial quantity. However, as seen from above contents, applicant was not present in the house at the time of raid. Now, seizure is effected and learned APP conceded that inventory is already drawn. Now, charge-sheet is filed and there is no criminal antecedents. For what purpose further custody is required is not made known to this court.

5. Considering the fact that applicant is behind bars since last more than five months and no further purpose is shown to be achieved by continued detention. Hence, the following order is passed :-

ORDER

I. The application is allowed.

II. Applicant Magan S/o. Shildar Pawara be released on bail in connection with Crime No. 0135 of 2023 registered with Shirpur Taluka Police Station, District Dhule, on executing Personal Bond of Rs. 15,000/- with one surety in the like amount, on the following conditions:

[a] The applicant shall not tamper prosecution evidence.

[b] The applicant shall not leave the area of jurisdiction of the concerned police station till conclusion of trial.

[c] The applicant shall attend the concerned police station twice in every week i.e. on every Monday and Thursday and maintain personal diary of his attendance till framing of charge and thereafter, shall regularly attend each and every effective date before the trial court.

(ABHAY S. WAGHWASE, J.)