



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2344 OF 2024

Laxman @ Bablu Narsing Jaiswal,
Age: 35 years, Occ. Labour,
R/o Rapatwar Nagar, Umri,
Tq. Umri, Dist. Nanded.

... Applicant

Versus

The State of Maharashtra
Through Police Station Officer,
Umri Police Station,
Tq. Umri, Dist. Nanded.

... Respondent

.....
Mr. S. S. Gangakhedkar, Advocate for the Applicant.
Mr. V. M. Jaware, APP for Respondent-State.
.....

CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 27.02.2025

Pronounced on : 28.02.2025

ORDER :

1. This is a regular bail application on account of arrest of applicant in crime no. 0311 of 2024 registered at Umri Police Station, District Nanded for offence under Sections 8(C), 20(b)(ii)(B) and 20(b) of the N.D.P.S Act.
2. Pointing to the date of arrest as 07.9.2024, learned counsel took this Court through the FIR lodged by Police Officer and would submit that, there are allegations that applicant was in possession of 2.16 kg. contraband i.e. ganja. He pointed out that, however, such quantity was only comprising of leaves and there was no actual ganja

in the form of flowers. He pointed out that, quantity is less than commercial. That, investigation is over and charge sheet is already filed on 05.11.2024 itself. That, there are serious lapses during investigation regarding violation of mandatory procedure. Learned counsel pointed out that, previously this Court has granted bail in similar offences to various other accused and copies of the same are placed on record. Learned counsel therefore urges for relief on necessary conditions, which the applicant is ready to abide as, according to him, nothing further is to be recovered or discovered at his instance.

3. Learned APP opposed on the ground that, though quantity of contraband is shown to be 2.16 kg., it is more than small quantity. That, police officials have seized contraband from his house and required procedure was duly adopted by police authority. That, there is also possibility of misuse of liberty.

4. Heard. Perused the papers. FIR dated 06.09.2024 is at the instance of police officer, who claims that on 06.09.2024, on receipt of secret information, raid was conducted to the house of present applicant. After complying with the procedure, search was taken and 2.16 kg. ganja was found in a yellow bag kept in the living room itself. Contraband was seized and applicant was shown to be arrested.

5. Now investigation is over and charge sheet is said to be filed on 05.11.2024 itself. Nothing further is shown to be recovered and discovered at the instance of the applicant. Even there are no indications about matter going for trial in immediate near future. For such reasons, applicant succeeds. Hence, I proceed to pass the following order:

ORDER

- I. The application is allowed.
- II. Applicant Laxman @ Bablu Narsing Jaiswal be released on bail in connection with Crime No. 0311 of 2024 registered at Umri Police Station, District Nanded, 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 once in every week, i.e. on every Monday between 11.00 a.m. to 02.00 p.m. and shall maintain personal diary of his such attendance till committal of the case, and thereafter shall attend and each and every effective date before the trial court.

[ABHAY S. WAGHWASE, J.]