



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2391 OF 2024

Nikita Sham Solanki,
Age : 25 years, Occu. : Labour,
R/o. : Plot No.40, Sai Rajnagar,
Jhendachauk, Mukundwadi,
Tq. & Dist. Chh. Sambhajinagar,
(Aurangabad)

... Applicant

Versus

The State of Maharashtra,
Through Mukundwadi Police Station,
Tq. & Dist. Chh. Sambhajinagar
(Aurangabad)

... Respondent

.....
Mr. Ziya J. Pathan, Advocate for Applicant
Mr. C. V. Bhadane, APP for Respondent - State
.....

CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 17 JANUARY, 2025

PRONOUNCED ON : 20 JANUARY, 2025

ORDER :

1. Applicant seeks enlargement on bail in consequence to arrest in Crime No. 507 of 2024 registered at Mukundwadi Police Station, Dist. Chh. Sambhajinagar (Aurangabad) for offence punishable under sections 20 and 8(c) of Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Learned counsel for applicant pointed out that, applicant a lady is arrested in above crime on 06.12.2024. That,

she has small children. That, she is arrested on allegation of selling *Ganja*. He pointed out that, seizure is said to be 4.342 Kgs., which is not commercial quantity. However, according to learned counsel, such weight is not after segregation of plants, roots, leaves. That, contraband is already seized. Nothing more is to be seized from her and hence her detention is unwarranted.

3. Learned APP while opposing the application, submitted that, serious offence is committed. That, she was found in possession of contraband. That, experts were present in the team which conducted raid on receipt of secret information. According to learned counsel, C.A. report is still awaited.

4. After considering the above submissions and on going through the papers, it seems that, police official lodged report after conducting raid on receipt of secret information. That, present applicant was in possession of ganja for sale. On such said information, raid was conducted and applicant was said to be arrested. Papers show that, applicant was in possession of 4.342 kgs. ganja and as such is apparently below commercial quantity. After drawing panchanama dated 05.12.2024, the same is reported to be sealed and dispatched to C.A.. Learned APP submitted that, though investigation is over, C.A. report is awaited.

Therefore, considering the quantity and as applicant is a lady having children, who is shown to be behind bars since a month, liberty as prayed deserves to be granted. Hence, following order is passed :-

ORDER

- (i) Application is allowed.
- (ii) Applicant Nikita Sham Solanki be released on bail in connection with Crime No. 507 of 2024 registered with Mukundwadi Police Station, District Chh. Sambhajinagar on executing P.B. of Rs.15,000/- with one surety in the like amount.
- (iii) Applicant shall attend the concerned police station as and when called by the Investigating Officer and shall co-operate in the investigation.
- (iv) Applicant shall not tamper prosecution evidence.

(ABHAY S. WAGHWASE, J.)