



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 579 OF 2025

Mohammad Sohail Mohammad Dastagir,
Age : 19 years, Occu. : Student,
R/at 143, Humasemara Road, MS Palya,
Banglore.

... Applicant

Versus

State of Maharashtra,
Through Chopda City Police Station,
Jalgaon.

... Respondent

.....
Mr. Rahil Riyazoddin Kazi, Advocate for Applicant.
Mr. P. K. Lakhotiya, APP for Respondent - State.

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 29 APRIL 2025

PRONOUNCED ON : 30 APRIL 2025

ORDER :

1. Instant application is for regular bail on account of arrest of applicant in Crime No.574 of 2024 registered at Chopda City Police Station, District Jalgaon for offence punishable under sections 20(b)(ii), 22(B) and (8)(c) of the Narcotic Drugs and Psychotropic Substances, Act, 1985.

2. It is submitted that, applicant is arrested in above crime on 15.11.2024 on allegation of possessing 5.124 kg ganja. That, two persons are named and other person is granted bail.

That, recovery of contraband is already made. That, samples are drawn and dispatched. That, inventory is also drawn. Investigation is over and mere formality of charge sheet is remained. There being no criminal antecedents, learned counsel urges for bail on the ground of parity, on any conditions deemed fit by this court.

3. Learned APP opposed on the ground that, while Nakabandi was in progress, two persons were spotted alighting from jeep and finding their movement suspicious, inquiry was made and they were found to be possessing ganja like material in the bag, and after completing formalities and procedure, both persons were apprehended including present applicant. According to learned APP, investigation is still incomplete and he opposes the bail.

4. Heard. Perused the papers. FIR dated 15.11.2024 is at the instance of police constable, who reported that, when Nakabandi was being done on Chopda-Nagalwadi road, two persons were seen alighting from a jeep. Finding their movement suspicious, inquiry was made and one of them had a bag, from which strong ganja like smell was emanating. After completing procedure, search was taken. In the bag, there was 5.124 kg ganja like material were found. Hence, both persons were apprehended.

5. Co-accused is already granted bail. Learned APP has admitted that sample and inventory are both drawn. On court query, it is informed that there are no criminal antecedents. Therefore, though investigation is incomplete, when no purpose is shown to be achieved by further detention, more particularly, when companion of applicant is granted bail, he too deserves extension of same relief. Hence, the following order is passed :-

ORDER

I. The application is allowed.

II. Applicant Mohammad Sohail Mohammad Dastagir be released on bail in connection with Crime No.574 of 2024 registered at Chopda City Police Station, District Jalgaon, on executing Personal Bond of Rs.50,000/- 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 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.)