

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3048 OF 2024

Pratik Y. Ovhol

...Applicant

V/s.

The State of Maharashtra

...Respondent.

.....
Adv. Ashwini Kumar, Adv. Abhishek Godase and Adv. Shubham Waphare for the Applicant.

Mr. Tanveer Khan, APP for the Respondent/State.

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CORAM : N.R. BORKAR, J.
DATE : 17.03.2025.

P.C. :

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No.162 of 2023 registered at Bundgarden Police Station, Pune for the offences punishable under Sections 8(c), 20(b)(ii)(a) and 29 of the Narcotics Drug and Psychotropic Substances Act, 1984 (NDPS Act).
3. On 29.5.2023, the present applicant and the co-accused were apprehended and they were found in possession of 81 kg 755 grams of Ganja.
4. I have heard the learned counsel for the applicant and the learned APP for the respondent - State.

5. Learned counsel for the applicant submits that as per Rule 9 of the Narcotics Drugs & Psychotropic Substances (Seizure, Storage, Sampling & Disposal) Rules, 2022, the samples of seized contraband are required to be drawn in presence of Magistrate and in terms of Rule 13, only those samples are required to be sent for analysis. It is submitted that in the present case samples were not drawn in presence of Magistrate and the samples drawn by the Investigating Officer were sent for analysis. In support of his submission, the learned counsel for the applicant has tendered on record the copy of C.A. report. It is further submitted that the applicant is in jail for 1 year and 9 months and there are no other criminal antecedents.

6. On the other hand, learned APP for the respondent/State submits that the present applicant and the co-accused were found in possession of commercial quantity of Ganja. It is submitted that considering the nature of offence, the applicant may not be released on bail.

7. *Prima facie*, there appears to be substance in the submission of learned counsel for the applicant. In that view of the matter and as there are no other criminal antecedents, I am inclined to release the applicant on bail. In the result, the following order is passed.

ORDER

A] The Application is allowed.

B] The applicant be released on bail in C.R. No. 162 of 2023 registered at Bundgarden Police Station, Pune for the offences punishable under Sections 8(c), 20(b)(ii)(a) and 29 of the Narcotics Drug and Psychotropic Substances Act, 1984 on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

C] The applicant shall attend the concerned police station once in a month, i.e., on first Saturday between 11.00 a.m. to 2.00 p.m. till conclusion of the trial.

C] The applicant shall not commit any other crime.

[N.R.BORKAR, J.]