

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 3830 OF 2024

Ankush L. Gawa ...Applicant
V/s.
The State of Maharashtra ...Respondent.

Mr. Rangan Majumdar a/w. Mr. Sandeep Raman for the Applicant.
Ms Veera Shinde, APP for the Respondent/State.

CORAM : N.R. BORKAR, J.
DATE : 02.01.2025.

P.C. :

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No.135 of 2024 registered at Tulinj Police Station, Palghar for the offences punishable under Sections 20(c), 8(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ("NDPS Act")
3. On 13.02.2024 co-accused in the present crime were apprehended and they were found in possession of 115 gm. Of Mephedrone and 3.440 gm. of Brown Sugar. According to the prosecution, the present applicant was the supplier of the said contraband.

4. The learned counsel for the applicant has drawn my attention to the order passed by this Court dated 19.08.2024 in Criminal Bail Application No. 2002 of 2024 filed by one of the co-accused. This Court, while releasing the said co-accused on bail has observed thus :

“8) In the present matter, the search was conducted by a lady constable, who was not empowered by the State Government under Section 42 (1) of the NDPS Act, 1985 to carry out the search. Thus, prima facie the search gets vitiated because of the aforesaid contravention.”

5. There is no recovery of any incriminating material at the instance of present applicant. There are no other criminal antecedents. In that view of the matter, I am inclined to release the applicant on bail.

ORDER

A] Bail Application is allowed.

B] The applicant be released on bail in C.R. No.135 of 2024 registered at Tulinj Police Station, Palghar for the offences punishable under Sections 20(c), 8(c) and 29 of the NDPS Act, 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 twice in a month i.e. on 1st and 3rd Saturday between 9.00 am to 02.00 pm, till conclusion of the trial.

D] The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;

E] Liberty is granted to the State for cancellation of bail, if the applicant commits similar offence;

F] The applicant shall attend the trial before the trial Court regularly on every date unless exempted by the trial Court for any reason;

G] The Application stands disposed off, accordingly.

[N.R.BORKAR, J.]