

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 4038 OF 2024

Gopal Amrutlal Sevak

.Applicant

vs.

The State of Maharashtra

.Respondent

Mr. Ayaz Khan i/b. Mr. Dilip Mishra a/w. Ms. Zehra Charania &
Ms. Mallika Sharma, Advocates, for the Applicant

Ms. Shilpa K. Gajare - Dhumal, APP, for the Respondent – State

Mr. A. D. Pawar, P. I., Vinoba Bhave Nagar Police Station, Kurla,
Mumbai present

CORAM : MILIND N. JADHAV, J.

DATE : 07.01.2025

P. C.

1. The Application is moved for urgent bail. The Applicant is incarcerated since March, 2024 in connection with C. R. No. 85 OF 2024 for the offences punishable under Sections 8C, 20B and 2C of the Narcotic Drugs And Psychotropic Substances Act, 1985 (for short 'NDPS' Act) registered with the Mahim Police Station, Mumbai. The Applicant has been apprehended with 23 Kg of Ganja which is a little above the commercial quantity of 20 Kgs.

2. Mr. Khan, learned Advocate for the Applicant persuades me to consider the medical exigency as stated in the praecipe on the ground of urgency. He would submit that the Applicant has a minor daughter aged 10 yrs and 6 months who is being provided care and support by

her mother at present. He would submit that this Court may get an impression that the Applicant is using the aforesaid reason of the minor daughter for securing bail but he would submit that in the facts of this case that may not hold true. He persuades the Court to appreciate the fact that the minor daughter is 100% disabled suffering from hearing impairment and Bilateral Profound Mixed Hearing Loss resulting in depression. He would submit that apart from the parental company which the minor daughter would otherwise require, one of the reasons is the fact that she requires regular medical care and support for which she is required to visit the hospital on regular basis for treatment. This involves expenditure which is substantial which the Applicant can provide. Learned Advocate for the Applicant has placed before me Disability Certificate issued by the Ali Yavar Jang National Institute Of Speech And Hearing Disabilities, Mumbai, in respect of the minor daughter and it is seen that the said minor daughter is diagnosed with Bilateral Profound Mixed Hearing Loss leading to 100% temporary disability in both her ears and has hearing impairment and she is in fact required to undertake medical treatment on a regular basis. Mr. Khan, learned Advocate for the Applicant would submit that apart from psychological support, the Applicant, being the breadwinner of the family is the most important ground. He would submit that Applicant's wife is a homemaker and not earning. He would submit that

the Applicant is having one shop which is presently lying shut down due to his incarceration and if he is released on bail, he would undertake to start some business in that shop premises which would enable him to earn for providing medical support and care for his child. The Application preferred by the Applicant through his Advocate appears to be genuine equally the Certificate which is presented before the Court today. A copy of the said Certificate has been given to the learned APP for the Respondent – State. She shall forward the same to the concerned Investigating Officer. The Investigating Officer is directed to take appropriate steps for preparing a report after ascertaining the status of the minor daughter of the Applicant as also he shall investigate about the existence of the shop belonging to the Applicant and at present who is running that shop so as to enable this Court to consider the aforesaid Bail Application of the Applicant. Details shall be provided to the Investigating Officer by the Applicant's wife, if necessary. Let the report be submitted within a period of two weeks from today to consider the Bail Application.

3. Stand over to **21.01.2025, First On Board.**

(MILIND N. JADHAV, J.)