

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

CRIMINAL BAIL APPLICATION NO. 4243 OF 2024

Omkar Sanjay Khutle

...Applicant

VERSUS

The State of Maharashtra

...Respondent

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Adv. Sherali S. Khan, Advocate for the Applicant.

Ms. Veera Shinde, A.P.P. for the Respondent – State.

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CORAM : N. R. BORKAR, J.
DATE : 10.03.2025.

P.C.:

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No. 96 of 2024 registered at Panvel City Police Station, Dist – Raigad for the offences punishable under Sections 8(c), 22(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (the NDPS Act).
3. On 27.02.2024 on the basis of secret information the present applicant was apprehended and found in possession of 1.32 gram of Lysarcic Acid Diethylamide (L.S.D).
4. I have heard the learned counsel for the applicant and the learned APP for the respondent/State.

5. The learned counsel for the applicant submits that there is a non-compliance of Section 42 of the NDPS Act. It is submitted that the applicant is in jail for more than one year and the trial has not commenced. It is submitted that there are no other criminal antecedents against the applicant.

6. On the other hand, the learned APP for the Respondent-State submits that the applicant was found in possession of commercial quantity of contraband. It is submitted that as the applicant was found in possession of commercial quantity there is a bar to release the applicant on bail unless the conditions mentioned under Section 37 of the NDPS Act are satisfied.

7. I have perused the charge-sheet. The information was received by police Naik and it was reduced into writing by him only. There is nothing to show that the authorised officer under Section 42 of the NDPS Act had sent the copy of the said information to his immediate superior. Therefore, *prima-facie* there appears to be non-compliance of Section 42 of the NDPS Act. Apart from it, the applicant is in jail for one year and the trial has not commenced. There are no other criminal antecedents against the applicant.

8. Considering the overall facts and circumstances, 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 Crime No. 96 of 2024 registered at Panvel City Police Station, Dist - Raigad for the offences punishable under Sections 8(c), 22(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (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 first & third Saturday between 11:00 am to 2:00 pm, till conclusion of the trial.

D] The applicant shall not commit any other crime.

9. Application stands disposed of accordingly.

(N. R. BORKAR, J.)