



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPA) NO. 523 OF 2025
IN
CRIMINAL APPEAL NO. 295 OF 2025

Mohd. Wasim s/o Mohd. Kalim Vs State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. S.H. Sudame, counsel for applicant/appellant.

Mr. Anant Ghongare, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 23/06/2025.

1. By this application, the appellant is seeking suspension of sentence and releasing the appellant on bail.

2. The appellant is convicted by the Special Court for the offence punishable under Section 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') and sentenced to suffer rigorous imprisonment for three years and six months and pay fine of Rs.50,000/-, in default of payment of fine, rigorous imprisonment for ten months. The appellant has already undergone the conviction of 2 months and 18 days.

3. Heard learned counsel for appellant, who submitted that during trial, appellant was on bail. He has not misused his liberty. Moreover, the punishment imposed is of a limited period. The appeal would take its own time for its final

disposal. In the meantime, if the sentence is executed, the appeal would become infructuous.

4. Learned APP strongly opposed the said application on the ground that, considering the evidence on record, the appeal itself is devoid of merit, and therefore, the application deserves to be rejected.

5. On hearing both sides and on perusal of the impugned judgment, it reveals that the contraband articles found with the present appellant was 2.122 kg. On appreciation of the evidence, the learned judge has imposed the punishment of three years and six months, which is a limited period punishment. Admittedly, the appeal would take its own time for its final disposal, and if the sentence is executed, the appeal would become infructuous. The appellant was on bail during the trial and has not misused the liberty. Considering all these aspects, the application deserves to be allowed. Accordingly, I proceed to pass the following order.

ORDER

- a] Criminal application is allowed.
- b] The execution of the sentence passed in Special NDPS Case No. 31/2019 is hereby suspended till disposal of appeal.

- c] The appellant shall be released on bail on executing P.R. Bond of Rs. 50,000/- with one solvent surety in the like amount.

Criminal application is **disposed of**.

CRIMINAL APPEAL NO. 295 OF 2025

1. **Admit**
2. Learned APP waives service of notice on behalf of respondent/State.
3. Call for record and proceedings.
4. Appeal be listed before this Court after preparation of the paper-book.

[URMILA JOSHI-PHALKE, J.]