

Cri.Bail Application in Spl.Case (NDPS) No.535/2023

Nehal Khalil Ahmad

-Versus-

The State of Maharashtra

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ORDER BELOW EXH.1

(Passed on 17th October 2023)

1] This is an application under Section 439 of the Code of Criminal Procedure for regular bail. I have heard learned Advocate for the accused, learned APP and perused charge-sheet.

2] Prosecution case against the accused is that on 06/08/2023 during nakabandhi the white colour Maruti car of the two accused was intercepted, it was transpired that mephedrone drug was being transported and then by following provisions of the NDPS Act action was taken and in the pocket of accused No.1 5.6 gram M.D. powder was found. Therefore, the accused along with their vehicle were arrested, their mobile seized, crime registered and it was transpired that the accused have purchased drug from accused No.3 and therefore, he was also arrested.

3] As per the applicant/accused he is a young man having family to support. He is permanent resident of address given. Now the charge-sheet is filed and investigation is complete. He is ready to abide by any condition if released on bail.

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4] Learned APP opposed the application and submitted that there is prima facie case against the accused. He is supplier of drugs. Filing of charge-sheet cannot be change in circumstances. If released on bail he will indulge in similar activity. Therefore, bail be rejected.

5] Undisputedly intermediate quantity of psychotropic substance has been seized from the accused. The investigation is complete. The offence does not prescribe punishment of death or imprisonment for life. Bar of Section 37 of the NDPS Act is not attracted. Considering custodial period of the accused and trial may take sometime to commence, I pass the following order.

ORDER

- 1] The application is allowed.
- 2] Accused Nehal Khalil Ahmad, be released on bail in Crime No.661/2023 for an offences punishable under Section 8(c), 22(b) and 29 of the N.D.P.S. Act, registered in Tahsil Police Station, Nagpur, on execution of personal bond in the amount of Rs.25,000/- and solvent surety in the like amount.
- 3] The applicant-accused shall attend each and every date before the Court unless his absence is excused by the Court.

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- 4] The accused shall not indulge in similar offence while on bail.
- 5] The accused shall not tamper the evidence and threaten any of the prosecution witnesses.
- 6] At the time of bail, the accused shall submit copy of his adhar card, permanent address proof and mobile number and shall not change them, without intimation to the trial Court.
- 7] Breach of any condition shall result in cancellation of bail.

Date : 17/10/2023

(P.Y.Ladekar)
Special Judge (NDPS
Court) and A.S.J.-3,Nagpur