



: ORDER BELOW EXH.7 IN SPECIAL CASE

NO.30/2024 :

(CNR No. MHRG15-000340-2024)

(Passed on 24.07.2024)

- 1) The present application is filed by applicant/accused no.2 Abdulla Munir Faijee, under section 439 of Cr.P.C. for regular bail in respect of C.R.No.17/2024, registered at Dighi Sagri police station, for the offence punishable under section 8(a), 20(b)(ii) (a), 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.
- 2) The applicant/accused no.2 contended that he has not committed any offence. He has been falsely involved in the offence.
- 3) He further contended that on 22.02.2024, the informant Sandeep Namdev Chavan, who is police officer, had lodged report contending therein that they received secret information that one person is coming with narcotic substance. Accordingly they laid trap. They apprehended him and narcotic substance Charas weighing 2.140 kg. was found in his possession. During interrogation the accused no.1 told that the present applicant/accused no.2 had given him said Charas.
- 4) He further contended that the Investigating Officer has investigated the offence and has filed charge-sheet against him. Therefore, nothing is to be recovered or discovered at his

instance and prayed that he may be released on regular bail.

5) Ld. A.P.P. filed his say at Exh.9. He contended that the offence committed by the applicant is serious in nature. The accused no.1 was found with narcotic substance i.e. Charas weighing 2.140 kg. The narcotic Substance found with accused no.1 is more than commercial quantity. During investigation, the accused no.1 gave statement that present applicant/accused no.2 had given said Charas to him. He further contended that if the applicant is released on regular bail, there are chances that he may pressurize the witnesses and tamper the evidence of prosecution. He prayed that the application be rejected.

6) Heard Ld. advocates appearing for parties.

7) On perusal of material available on record, it appears that on 22.02.2024 the informant who is police officer had lodged report contending therein that on 21.02.2024 they received secret information that one person is coming with narcotic substance at Holicha Mal, Borlipanchatan. Accordingly, they prepared the raid team and laid trap. At about 21.10 hrs they found that one person is coming near Holicha Mal. As per the information, said person had worn white-blue colour checks shirt and black colour pant. They apprehended him in presence of panchas, on which Charas weighing 2.140 kg. was found in his possession. The material shows that Charas which is found in

possession of accused no.1 is more than commercial quantity. During investigation, accused no.1 gave statement under section 67 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and disclosed the names of present applicant/accused no.2 that he is involved in the business of selling Narcotic substance Charas. So far as the applicant/accused no.2 is concerned, apart from the 67 statement of accused no.1, there is nothing incriminating material available against him in the charge-sheet. Therefore, in my opinion, the applicant/accused no. 2 is entitled to be released on regular bail. Hence, I proceed to pass following order :-

: ORDER :

- 1) The application at Exh.7 is allowed.
- 2) Applicant/accused no.2 **Abdulla Munir Faijee** be released on regular bail in Crime No.17/2024, registered at Dighi Sagri police station, for the offence punishable under section 8(a), 20(b)(ii)(a), 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, on his executing P.B. of Rs.55,000/- (Rs. Fifty five thousand only), with one solvent surety in like amount.
- 3) The applicant/accused no.2 shall not pressurize the witnesses or tamper the evidence of prosecution.

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- 4) The applicant/accused no.2 shall visit concerned Police Station once in a month i.e. on 2nd Thursday of every month (between 10.00 a.m. to 1.00 p.m.) till conclusion of trial.
- 5) Violation of any condition will entail for cancellation of bail.

(Dictated and pronounced in open Court)

Mangaon.
Date : 24.07.2024.

(H. K. Bhalerao)
Special Judge, Mangaon
Dist. Raigad