

IN THE COURT OF JUDGE, SPECIAL COURT, RATNAGIRI.
(Presided by A. M. Ambalkar, Judge, Special Court, Ratnagiri.)

Special Case No. 7/2023
CNR No. MHRT010002932023

The State

Prosecution

Vs.

Pravin Prakash Parab etc. 4

Accused.

Order below Exh. 22

1. This is an application filed by accused Nos. 3 and 4 in Crime No. 38/2023, for the offences under Section 8(c) punishable under section 20(a), 29 of N. D. P. S. Act, registered with City Police Station, Ratnagiri U/Sec. 439 of Cr.P.C. for grant of regular bail.

2. It is prosecution case that on 16.02.2023 police Manoj received secret information that one person is coming to agricultural Produce Market Committee Ratnagiri for selling the narcotic substance. Therefore, after giving intimation to Higher Officers the informant, other police officers and panch witnesses effected raid at about 7.10 p.m. at Agricultural Produce Market Committee. The applicant and accused No.2 were found there in suspicion conditions. The notice Under Section 50 was issued to the accused and thereafter their personal search was taken. Then some narcotic substance came to be found in the pouches in their pant pocket. After carrying a testing it was found that amphetamine and methaqualone were mixed and the total weight of both the substance was 11 gms. During further investigation it revealed that the accused Nos. 1 and 2 have procured the said drug from accused Nos. 3 and 4 who were residing at Sai Chintan Apartment. On effecting raid at that place they found LSD and

MD in their possession. Both the substances were weighing 0.50 gms. and 0.25 gm. Both accused Nos. 3 and 4 were also possessing various transparent plastic pouches and snorters for consuming the narcotic substance.

3. The applicants submitted that they have been falsely implicated in the crime. They are not concerned with the said offence. They are innocent. The accused Nos. 3 is the only earning member of his family. Accused No.4 is 19 years old girl. Investigation is completed- Charge-sheet is filed. There is no prima-facie case against the applicant Nos. 3 and 4. The applicants are in jail since 21.02.2023. Hence, they prayed to allow the application.

4. Investigating Officer filed say at exh. 23 and strongly resisted the bail application and submitted that offence is serious one. The applicants if released on bail they will again commit similar offence. They will not follow the directions given by the Court and conditions imposed by the Court. Finally, prayed to reject the application.

5. Heard learned Advocate for the applicant Nos.3 and 4 Smt. S.C. Bhatkar and learned APP Shri. A. A. Fansekar for the State. Perused the application, say and documents.

6. Ld. Advocate for the applicant Nos. 3 and 4 relied on the following case laws.

1. *Om Prakash @ Baba Vs. State of Rajasthan, (Criminal Appeal No. 575 of 2009 decided on 25.08.2009 by Hon'ble Supreme Court).*

2. *Mohd. Alam Khan Vs. Narcotics Control Bureau, (Criminal Appeal No. 241 of 1996 decided on 20.02.1996 by Hon'ble Supreme Court).*

3. *Shubham Bitalu Vs. State of Himachal Pradesh, (AIR Online HP 1182).*

6. Perusal of case papers it appears that less than small quantity of narcotic substances was found in possession of the accused persons. The applicants are in jail since the month of February. Accused No.4 is only 19 years old girl. The further custody of applicants is not at all required for any purpose. Therefore, considering the nature of accusation, period of detention, stage of investigation and the quantity found in possession of applicants, I am of the opinion that the applicant is entitled for grant of regular bail. Hence, I proceed to pass the following order :

ORDER

1. Application Exh. 22 is allowed.
2. Applicants/Accused No. 3. Abdul Matin Hasanmiya Dongarkar and accused No.4 Prerana Anthony Sathe Ashirfa of Crime No. 38/2023; for the offences under Section 8(c) punishable under Section 22(a), 29 of the NDPS Act, registered at City Police Station, Ratnagiri shall be released on furnishing personal bond of Rs. 25,000/- each with one or two surety each in the like amount.
3. The applicants shall not tamper prosecution witnesses.
4. The applicants shall not indulge in similar activities.

(A.M. Ambalkar).

Date: 21.06.2023

Judge, Special Court, Ratnagiri.