

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. 24

1. This is an application filed by accused No. 1 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 applicant submitted that he has been falsely implicated in the crime. He is not concerned with the said offence. He is innocent. The investigating officer has not complied with the mandatory provision under Section 41, 42 and 50 of NDPS Act. The total weight of substance was 10 gm. Including plastic bag and therefore, it is a small quantity. Now nothing remained to be done during investigation. The applicant is in jail since 17.02.2023. Hence, he prayed to allow the application.

4. Investigating Officer filed say at exh. 26 and strongly resisted the bail application and submitted that offence is serious one. The applicant if released on bail he will again commit similar offence. He 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 No.1 Shri. A. M. Waykul and learned APP Shri. A. A. Fansekar for the State. Perused the application, say and documents.

6. Ld. Advocate for the applicant No. 1 relied on the following case laws.

1. *Dev Raj Vs. State of H.P. (Cr.MP(M) No. 2279 of 2020 decided on 4th February 2021 by Hon'ble Himachal Pradesh High Court).*
2. *Gagan Kumar W.V. & Ors. Vs. State of Karnataka, (Crl.P.No. 3227 of 2023 A/W Crl.P. No. 3584 of 2023 decided on 2nd May 2023 by Hon'ble Karnataka High Court).*

3. *Manav Singhal Vs. The Union of India, (NDPS Bail Application 2628 of 2021 decided on 30.10.2021 by Judge, Special Court, Mumbai).*

7. In the present matter admittedly both the substances were mixed and therefore, the weight of both the substances has also been shown not independently but the weight is of mixed substances. Previous bail application came to be rejected for the reasons that investigation was not completed and it was in progress and further CA reports were yet to be received.

8. The applicant seems to be behind the bars since the month of February. Most part of the investigation can be said to have been completed. Further custody of applicant seems unwarranted. Applicant is having family and property. Therefore, there may not be possibility of absconding. Therefore,

9. Therefore considering the nature of accusation and quantity of so called narcotic substance, period of detention of the applicant and stage of investigation, 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 Exhs. 24 is allowed.
2. Applicant/Accused No. 1. Pravin Prakash Parab 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. 50,000/- with one or two surety in the like amount.

3. The applicant shall not tamper prosecution witnesses.
4. The applicant shall not indulge in similar activities.

Date: 21.06.2023

(A.M. Ambalkar).
Judge, Special Court,
Ratnagiri.