

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. 34

1. This is an application filed by accused No.2 Onkar Jagdish Borkar in Crime No. 38/2023, for the offences under Section 8(c) punishable under section 22(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 accused No.2 is the only earning member of his family. Investigation is completed- Charge-sheet is filed. There is no prima-facie case against the applicant No.2. The applicant is in jail since 19.02.2023. Hence, he prayed to allow the application.

4. Investigating Officer filed say at Exh. 35 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.2 Shri. S. M. Bhatkar and learned APP Shri. A. A. Fansekar for the State. Perused the application, say and documents.

6. Ld. Advocate for the applicant No.2 relied on the case of *Pandurang Narayan Pagade & Others Vs. State of Maharashtra, (1996(1) ALL MR 418)*.

7. Perusal of case papers it appears that less than small quantity of narcotic substances was found in possession of the accused

persons. The applicant is in jail since the month of February. The further custody of applicant 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 applicant, 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. 34 is allowed.
2. Applicant/Accused No. 2. Onkar Jagdish Borkar 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/- with surety in the like amount.
3. The applicant shall not tamper prosecution witnesses.
4. The applicant shall not indulge in similar activities.

Date: 01.07.2023

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