

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

Special Case No. 24/2023
CNR No. MHRT010004672023

The State

Prosecution

Vs.

Juber Ahamad Amiruddin Khan

Accused.

Order below Exh. 5

1. This is an application filed by accused Juber Ahamad Amiruddin Khan in Crime No. 147/2023, for the offences under Section 8(c) punishable under section 20(b)(ii)(b), 21(b) 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 24.05.2023 the police officer lodged report and thereby made allegations that on that day at about 8.00 p.m. he was on patrolling duty. He along with other police staff reached in the Kokannagar area. There he came to know from secret sources that one person is selling narcotic substance. He gave information about the same to PI Ratnagiri city as well as SDPO Samadhan Patil. At about 9.55 p.m. PSI Shantaram Mahale and other police staff reached at Kokannagar. They called panch witnesses. They also called dogs squad and lab technician. Then on taking search they found applicant/accused was selling narcotic substance by the side of the road. He was there in suspicious condition with a plastic bag. Then SDPO Samadhan Patil made inquiry with him. He told his name and address. They took search of

plastic bag which was with accused. They found 72 pouches in the said plastic bag wherein they found charas. On inquiry with accused he admitted that it was brown sugar. They collected the said substance and weighed the same. It was found to be 1.86 gms. Thereafter said muddemal was seized and report came to be lodged.

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 is the only earning member of his family. Investigation is completed. Charge-sheet is filed. There is no prima-facie case against the accused. The accused has not criminal antecedent. The applicant is in jail since more than two months. If he released on bail he abide the conditions imposed by this Court. Hence, he prayed to allow the application.

4. Investigating Officer filed say at exh. 7 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. IO also submitted that the contraband which has been seized from the custody of accused is more than small quantity and less than commercial quantity. Finally, prayed to reject the application.

5. Heard learned Advocate for the accused Shri. S. S. Shaikh and learned APP Smt. A. Y. Thakur for the State. Perused the application, say and documents.

6. Ld. Advocate for the accused relied on the following case laws.

1. *Chet Ram Vs. State of Himachal Pradesh, (2020 DGLS(H.P.) 31).*

2. *Mehar Singh Vs. State of Himachal Pradesh (2019 DGLS(H.P.) 59).*

3. *Vikram Singh Vs. State of Himachal Pradesh, (Cr.MP(M) No. 1923 of 2019 decided by the Hon'ble Himachal Pradesh High Court on 31.10.2019).*

6. On perusal of charge-sheet it appears that the applicant has been arrested on 25.05.2023 and since he is in jail. There seems no antecedent against the applicant. Investigation is completed. Charge-sheet is filed. The contraband substance seized from the custody of applicant is less than commercial quantity and more than small quantity. Applicant is in jail since more than around 3 months. Therefore, the considering the nature of accusations, the quantity of substance seized, age of applicant, period of his detention and the material fact that investigation is completed and charge-sheet is filed the applicant can said to be entitled to grant of regular bail. Hence, I proceed to pass the following order :

ORDER

1. Application Exh. 5 is allowed.

2. Applicants/Accused Juber Ahamad Amiruddin Khan of Crime No. 147/2023; for the offences under Section 8(c) punishable under section 20(b)(ii)(b), 21(b) 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.

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

Date: 12.09.2023

I affirm that the contents of this P.D.F. file order are same, word to word, as per the original order.

Case Number		Special Case No. 24/2023 Order below Exh. 5
Name of Stenographer	:-	Sou. P. S. Lad
Name of Court	:-	Judge, Special Court, Ratnagiri.
Date of Decision	:-	12.09.2023
Order signed by the P.O. on	:-	12.09.2023
Order uploaded on	:-	12.09.2023