

IN THE HIGH COURT OF BOMBAY AT GOA

Stamp Number Main No. 820/2020.

Arun Kumar Mehta, Presently
Lodged in Judicial Lock-up
Modern Central Jail at Colvale.

... Applicant.

Versus

State

... Respondent.

Shri Salil Saudagar, Advocate for the Applicant.

Shri Mahesh Amonkar, Addl. Public Prosecutor on behalf of
the Respondent.

Coram : Nutan D. Sardessai. J.

Dated : 13th August, 2020.

P.C.:

Heard Shri Salil Saudagar, learned Advocate and Shri Mahesh Amonkar, learned Addl. Public Prosecutor for some time. It was the contention of Shri Salil Saudagar, learned Advocate that the applicant was allegedly found in possession of 2.840 kgs. of Ganja which is a variable quantity and therefore, the rigors of Section 37 of the NDPS Act was not attracted to the case and he had therefore to be enlarged on

bail by putting him to certain terms and conditions as imposed by this Hon'ble Court.

3. Shri Mahesh Amonkar, learned Addl. Public Prosecutor submitted that the applicant was not a native of the state of Goa and that his address in Bihar had to be verified and moreover there was no assurance that he would be available if he was enlarged on bail. Hence the application be dismissed.

4. i have considered their submissions and taking into account the fact that the Ganja found in possession of the applicant was 2.480 kgs. being a variable quantity and much lesser than 20 kgs. of Ganja, which is a commercial quantity, i am inclined to allow the application for bail releasing him on the following terms and conditions:-

1. The applicant shall be enlarged on bail on executing bail bonds in the amount of ₹25,000/- (Rupees Twenty Five Thousand only) and furnishing one local surety in co-extensive amount to the satisfaction of the learned Sessions Judge, North Goa Panaji.

2. He shall furnish his detailed address locally i.e. in the State of Goa and also furnish proof of address to the investigating officer and also the Court.
 3. He shall give his detailed address in his native place at Bihar.
 4. He shall co-operate with the trial and ensure his presence on all the dates of hearing.
 5. He shall not tamper with or intimidate the witnesses or hamper the course of the trial in any manner whatsoever.
 6. He shall not leave the State of Goa and the territorial waters of India without the prior written permission of the Court concerned.
5. In these terms the application stands disposed off.
 6. Parties to act on the basis of the authenticated copy of this order.

Nutan D. Sardessai, J.

MF/-