

***IN THE HIGH COURT OF BOMBAY AT GOA*****LD-VC-BA-23-2020**

Mr. Silu Mali

**...Applicant***Versus*

State and Anr.

**.... Respondents.**

Shri Y. Kotkar, Advocate for the Applicant.

Shri Gaurish Nagvenker, Additional Public Prosecutor for the Respondent State.

**Coram : NUTAN D. SARDESSAI, J.****Date : 07<sup>th</sup> August, 2020**

P.C.:

Heard Shri Y. Kotkar, learned Advocate for the applicant and Shri Gaurish Nagvenker, learned Additional Public Prosecutor on behalf of the State.

2. It was the contention of Shri Kotkar that the condition imposed by the learned Additional Sessions Judge was harsh and that the applicant did not have the means to furnish the 2 sureties in the amount of ₹20,000/- each as imposed by the learned Additional Sessions Judge and therefore the order justified a modification thereof appropriately.

3. Shri G. Nagvenker, learned Additional Public Prosecutor submitted that the condition so imposed by the learned Additional Sessions Judge was reasonable looking to the facts and circumstances of the case apart from the gravity of the offence which carried punishment of imprisonment upto 10 years and moreover the applicant was not a native of the State of Goa. The application had therefore to be dismissed.

4. i have considered their submissions and also the order of the learned Additional Sessions Judge seeking its modification. The quantity of ganja allegedly found with the applicant is 3.41 kgs which is nearer the small quantity of one kg for ganja and that although the law contemplates punishment of imprisonment which may extend upto 10 years, there is ample discretion in the Court of the Additional Sessions Judge to impose punishment looking to this quantity which is nearer the small quantify and not touching commercial quantity of 20 kgs in respect of ganja.

5. In the circumstances, i am therefore inclined to allow the application and to modify the order to the extent

that the applicant shall be released on bail on executing a personal bond in the amount of ₹10,000/- and furnishing two local sureties in the like amount. He shall regularly attend the trial before the learned Additional Sessions Judge, South Goa, Margao as and when the case comes up for hearing. The other condition of placing on record the temporary address with the documentary proof would continue to be a part of the order. In these terms the application stands disposed off.

6. The parties to act on the basis of the authenticated copy of this order.

**Nutan D. Sardessai, J.**

msr.