

***IN THE HIGH COURT OF BOMBAY AT GOA*****LD-VC-BA-33-2020**

Shankarlal Rawat

**...Applicant***Versus*

State of Goa &amp; Anr.

**.... Respondents.**

Shri Vibhav Amonkar, Advocate for the Applicant.

Shri Pravin Faldessai, Additional Public Prosecutor for the Respondents.

**Coram : NUTAN D. SARDESSAI, J.****Date : 13<sup>th</sup> August, 2020**

P.C.:

Heard Shri Vibhav Amonkar, learned Advocate for the applicant and Shri Pravin Faldessai, learned Additional Public Prosecutor on behalf of the State.

2. Shri Vibhav Amonkar, learned Advocate for the applicant seeks a modification of the order releasing the applicant on bail whereby the personal bond has been imposed in the amount of ₹1,00,000/- by the learned Additional Sessions Judge with one surety. It was his contention that he was primarily a labourer who was

allegedly found in possession of 2.278 kgs of ganja which was a variable quantity, the small quantity being one kg and commercial quantity being 20 kgs. The condition for his release on bail had therefore to be relaxed substantially and as it was difficult for the applicant who was a mere labourer to arrange a surety in that amount.

2. Shri Pravin Faldessai, the learned Additional Public Prosecutor on behalf of the State left the matter to the discretion of the Court. Besides, Shri Amonkar, learned Advocate placed reliance on the order of this Court dated 07.08.2020 in the case of **Silu Mali v/s. State and Anr** where the order of release of that applicant on bail was modified by imposing lesser amount of surety as far as that applicant was concerned.

3. Having heard the submissions of Shri Amonkar, learned Advocate for the applicant and those of Shri Faldessai, learned Additional Public Prosecutor on behalf of the State and besides considering that the quantity involved in the offence being a variable quantity of 2.278 kgs of ganja, i am of the view that the surety imposed by the

learned Additional Sessions Judge of ₹1,00,000/- is rather harsh and reduce it to an amount of ₹25,000/- with one local surety in the coextensive amount to the satisfaction of the learned Additional Sessions Judge. The other conditions of the order shall continue to remain.

4. In the above terms, the application stands disposed off.

**Nutan D. Sardesai, J.**

msr.