

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 26 OF 2015

Navnath Bhausahab Nikam,
Age : 25 years,
Occupation : Agricultural,
R/o : Digi, Tq: Newasa,
District : Ahmednagar .. Applicant

VERSUS

The State of Maharashtra .. Respondent

.....
Mr. Joydeep Chatterji, Advocate for the applicant
Mr. S.M. Jadhav, APP for the respondent-State
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CORAM : M.T. JOSHI, J.
DATED : 28/01/2015

ORAL ORDER :

1. Heard both sides.
2. The present applicant, who is arrested by Gangapur Police Station, Dist. Aurangabad in Crime no.II-62 of 2014 for the offence punishable under section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, is praying for his release on bail.
3. His earlier application bearing Criminal

Application no.6044 of 2014 was allowed to be withdrawn by this Court on 27/11/2014 with liberty to file similar application in case the trial is not concluded within six months.

4. Mr. Chatterji, learned counsel for the applicant however submits that the said application was filed before the filing of the chargesheet. Now the chargesheet is filed and in view of the fact that there is no material against the present applicant to connect to the crime, the present application is filed within the period of six months itself.

5. The record and papers would show that 24 Kg of ganja was found in an auto-rickshaw bearing no.MH-20-W-3537. The rickshaw driver as well as the inmates were therefore arrested in the crime. During the investigation, it was found that one co-accused Mohammad Mustaq had purchased the said ganja from the present applicant Navnath and, therefore,

both of them also were joined in the said crime.

6. Mr. Chatterji points towards the order of this Court regarding Mohammed Mustaq passed in Criminal Application no.6873 of 2014 dated 23/12/2014. It was pointed out that as no material against the said accused – Mohammed Mustaq could be collected by the Investigating Officer, except the statement of the co-accused and the chargesheet is filed, he is released on bail. Mr. Chatterji submits that similar material is there against the present applicant.

7. Learned A.P.P. however opposed the application. He submits that the earlier application was allowed to be withdrawn with liberty to move this Court within a period of six months, however, within the period of six months, the present application is filed.

8. Upon considering the material against the present applicant and finding that now chargesheet

is filed and fact that the only material is that there was mobile conversation between Mohammed Mustaq and the present applicant, in my view, the applicant can very well be released on bail.

9. Hence, the following order:-

I) The Application is allowed.

II) The applicant be released on bail in Crime no.II-62 of 2014 registered with Gangapur Police Station, Dist. Aurangabad for the offence punishable under section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, upon his executing P.R. bond in the sum of Rs.20,000/- (Rs. Twenty Thousand) and also upon furnishing surety in the like amount.

10. The application accordingly stands disposed of.

[M.T. JOSHI]
JUDGE

arp/-