

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 7030 OF 2014

Bhimrao s/o Sahebrao Nirmal,
Age : 60 years, Occu. Agri.,
R/o at post Thergaon, Taluka
Paithan, District Aurangabad

APPLICANT

VERSUS

The State of Maharashtra,
through Police Station Officer,
Supa Police Station, Tq. Parner,
District Ahmednagar

RESPONDENT

Mr. Yuvraj V. Kakde, Advocate for the applicant
Mr. S.M. Jadhav, A.P.P. for the respondent-State

CORAM : M.T. JOSHI, J.

DATE : 18/02/2015

ORAL ORDER :

1. Heard both sides.
2. The present applicant, who is arrested by Supa Police Station, Taluka Parner, District Ahmednagar, in Crime No. II-14/2014, registered for the offences punishable under section 20(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985, is praying for his release on bail.

3. The applicant's earlier application for similar relief, bearing Criminal Application No. 6248/2014, was allowed to be withdrawn by this Court vide order dated 25th November, 2014 with liberty to file similar application in this court after a period of six months if the trial is not concluded within that period.

. The present application is, however, filed before the expiry of period of six months, as according to the learned counsel for the applicant, new facts have come to the knowledge of the present applicant.

4. The record would show that the present applicant is the owner of the vehicle by which 34 kgs. of ganja was being transported from his vehicle alongwith the owner of the said contraband. The seizure panchanama would show that the said ganja was packed in a polythene bag and thereafter, was put in two big bags and was being carried. The applicant has filed at Exhibit-E the title-sheet in a criminal case that was lodged in the court of learned Special Judge and Principal Sessions Judge at Bidar, which would show that the principal accused Ginnu s/o Mohan Chawan, who was

carrying baggage in the vehicle of the present applicant, was an accused before the said learned Special Judge for the similar offence i.e. of taking away ganja worth Rs. 2,70,400/-.

. Under these circumstances, the learned counsel for the present applicant submits that the present applicant was the innocent carrier of the two bags being carried by the principal accused.

5. The another plea put forth by the learned counsel for the applicant regarding illness of the present applicant is, however, not worth consideration as the report from the Jail Superintendent would show that the applicant was suffering from fever and hypertension.

6. Considering all the facts on record and taking into consideration the crime registered against the principal accused, in my view, as the present applicant is behind the bars since 17th August, 2014, he can very well be released on bail. Hence, the following order:-

7. The applicant – Bhimrao s/o Sahebrao Nirmal be

released on bail in Crime No. II-14/2014, registered with Supa Police Station, Taluka Parner, District Ahmednagar, for the offences punishable under section 20 (B) of the Narcotic Drugs and Psychotropic Substances Act, 1985, on his executing P.R. bond in the sum of Rs. 20,000/- and also upon furnishing surety in the like amount.

. The present application accordingly stands disposed of.

[M.T. JOSHI]
JUDGE

npj/criapln7030-14