

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 2020 OF 2017

1. Mr. Ravi Raju Mane
2. Mr. Ravan Puma Naik

... **Applicants**

V/s.

The State of Maharashtra

... **Respondent**

Mr. V.V. Purwant for the Applicant.

Mr. A.A. Palkar, APP for the Respondent/State.

CORAM : A.S.GADKARI, J.

DATE : 10th NOVEMBER, 2017

P.C.:

. This is an application under Section 439 of Cr.P.C. for bail in C.R. No. 378 of 2017 dated 25.05.2017 registered with Mohol Police Station, District Solapur under Sections 20(B) of Narcotic Drugs and Psychotropic Substances Act, 1985.

2 It is the case of the prosecution that on 25.05.2017 at about 10.20 a.m., the police were conducting search operation of vehicles at Savleshwar Toll Plaza, Solapur. That they noticed one red colour Skoda car bearing registration No. AP 09 AP 5005 and the movements of the persons therein were suspicious. Therefore, they checked the car and in the dicky of the said car, they found psychotropic substance kept in 14 packets. The passengers of the said car revealed their names as Applicants and one other person. The police thereafter, brought the

said car to Mohol Police Station, Solapur and again conducted search of the said car and drew seizure panchnama of the contraband. The concerned Police Officer thereafter, lodged first information report in that behalf. The Applicants were arrested on 25.05.2017 and after completion of investigation, the police have submitted charge-sheet.

3 The record indicates that after accosting the Applicants on suspicion and after verifying that contraband is kept in the dicky of the car, the police instead of effecting spot panchanama and seizure panchnama, drove the said car to the police station which is approximately 6 k.ms. away from the scene of offence and subsequently complied with the legal formalities. Prima facie it raises doubt about the bonafide of the said search and seizure of the contraband from the said car. In view thereof, it cannot be said that the Applicants are prima facie guilty of offence under the Narcotic Drugs and Psychotropic Substances Act and can be released on bail.

4 Hence, the following order:

i) The applicants be released on bail in CR No. 378 of 2017 registered with Mohol Police Station, District Solapur on their furnishing PR bond of Rs.25,000/- each with one or two separate solvent local sureties in the like amount.

ii) After their release from jail, the applicants shall attend the Mohol Police Station once in month i.e. on every first Monday of the month between

11.00 a.m. to 2.00 p.m. and to join the process of investigation.

- iii) The applicants shall also attend all dates before the Trial Court.
- iv) The Applicants shall not tamper with the evidence and/or pressurize or threaten the prosecution witnesses.
- v) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)