

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [BA] No.1101 of 2017
[Bharat Raju Madavi Vs. State of Mah., Ramnagar PS, Chandrapur]

**Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.**

Court's or Judge's orders

Mr. R. M. Tahaliyani, Adv., for the applicant.
 Mr. A. Madiwale, APP for non-applicant.

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CORAM : A. S. CHANDURKAR, J.

DATE : 23rd November, 2017

The applicant who has been arrested in connection with Crime No. 869/2016 registered at Ramnagar Police Station, Chandrapur, for the offences punishable under Sections 8 (k), 20, 21, 22 and 29 of the Narcotic Drugs & Psychotropic Substances Act, 1985, seeks his release on bail.

Initially, by order dated 13th October, 2016, the learned Additional Sessions Judge, Chandrapur, was pleased to grant default bail to the applicant under

Section 167 (2) of the Code of Criminal Procedure, 1973. The applicant, however, could not furnish the bail bond and hence he moved another application for his release on bail. This application came to be rejected by order dated 1st July, 2017.

As per the First Information Report, on the basis of information received, six persons including the applicant herein were arrested on the accusation that they were dealing in drugs. In the search that was carried out, these drugs were found with accused nos. 1 and 2.

It is submitted on behalf of the applicant that he has been wrongly implicated in the present crime. The only material seized from the present applicant is his mobile handset. The incriminating material has been seized from other accused and merely because the applicant could not arrange for the solvent surety, he could not be released on bail. In so far as his antecedents are concerned, it is submitted that the applicant has been acquitted in majority of the cases and none of the cases pertained to offence under the Narcotic Drugs & Psychotropic Substances Act, 1985.

The application is opposed by the learned Addl. Public Prosecutor. It is submitted that considering the seriousness of the offence and the antecedents of the applicant, he does not deserve to be so released. His

involvement in the crime in question is apparent from the statements recorded. As the trial is likely to commence shortly, the applicant does not deserve to be so released.

Perused the report as well as documents filed along with charge-sheet.

Most of the statements indicate seizure of the drugs in question from accused nos. 1 and 2. A mobile handset has been seized from the present applicant. Applicant is under arrest from 1st August, 2016. In so far as his antecedents are concerned, it can be seen that he has been acquitted in most of the offences and there is no crime registered under the said Act against the applicant.

In view of aforesaid, the applicant who has been arrested in connection with Crime No. 869/2016 registered at Ramnagar Police Station, Chandrapur, for the offences punishable under Sections 8 (k), 20, 21, 22 and 29 of the Narcotic Drugs & Psychotropic Substances Act, 1985, is directed to be released on bail on furnishing a personal bond of Rs. 25,000-00 [rupees twenty-five thousand only] with one surety in the like amount. The applicant shall co-operate in completion of the trial and he shall not take any steps to influence the prosecution witnesses. He shall not indulge in similar offences.

The observations made in this order are only for deciding the bail application, which is allowed and disposed of.

Judge

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