

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.822/2016

Mr. Brijesh S/o Mahanarayan Mishra

..Vs..

State of Maharashtra, through Police Station Officer, Police Station
Ganeshgpeth, Nagpur

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

Court's or Judge's orders

Shri R.R. Vyas, Adv. for the applicant.
Shri S.P. Deshpande, A.P.P. for the respondent / State.

CORAM : Z.A.HAQ, J.

DATE : 23.6.2017.

Heard.

The applicant, apprehending arrest in crime registered against him for the offence punishable under Sections 20, 21(b), 27(a), 28 and 29 of the Narcotic Drugs and Psychotropic Substance Act, has sought pre-arrest bail.

The crime is registered against the applicant on the accusations that he is part of the group involved in supplying and selling of narcotic drugs. According to the investigating agency, 32 grams of cocaine is seized from Sachin Abaguhe and during interrogation he disclosed that the applicant is supplying narcotic drugs from Mumbai. To support it's case the investigating agency has relied on the fact that certain deposits are made in the account of the applicant at Gondia.

According to the applicant, he is in the business of providing taxi on hire basis and the amount

which is found in the account of the applicant is deposited by his customers / tour agencies who are regularly availing his services.

This Court has granted interim protection to the applicant by the order passed on 21st December, 2016. In this order it is recorded that the substance which was seized was sent for chemical analysis and the report is to the effect that the substance is Mephedrone which is not included in the notification issued by the Central Government in relation to the narcotic drugs and psychotropic substances. However, the learned Advocate for the applicant and the learned A.P.P. have submitted that there had been some confusion about inclusion of Mephedrone in the concerned notification and some books show it in that notification and some books do not show it in the notification.

Be that as it may, fact remains that the applicant continued to enjoy protection granted by this Court by the order dated 21st December, 2016 . The non-applicant has filed reply on 20th February, 2017. Though a grievance is made that the applicant has not co-operated with the investigation, it is not disputed that he has attended the police station.

The application is opposed on the ground that investigation is still in progress and that there is an apprehension that the applicant may abscond. Considering the facts of the case, the following order is passed:

In the event of arrest in Crime No.6022/2016

registered by the non-applicant, the applicant be released on bail on executing P.R. bond for Rs.50,000/- (Rs. Fifty Thousand) and two solvent sureties in the like amount.

The applicant shall surrender his passport with the Investigating Officer within one week.

The applicant shall attend Ganeshpeth police station, Nagpur on every Friday between 10 a.m. to 1 p.m. till the charge-sheet is filed.

The application is **allowed** in the above terms.

JUDGE

Tambaskar.