

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

CRIMINAL BAIL APPLICATION NO.316 OF 2018

Ram Chary Chakrapani Chary

..Applicant

vs.

The State of Maharashtra

...Respondent

Mr. Rushikesh Kale i/b Mr. Viresh V. Purwant for the Applicant .

Ms. G. P. Mulekar, APP for the Respondent.

CORAM : P. N. DESHMUKH, J.

DATE : 20th MARCH, 2018

P.C.:

. This application is filed by one of the co-accused involved in CR No.378/2017 registered with Mohol Police Station for the offence punishable under section 20B of the N.D.P.S. Act, 1985.

2. Learned counsel for the applicant submitted that role attributed to applicant and other two co-accused is one and the same who are released on bail by the order of this Court dated 10/11/2017 passed in BA No.2020/2017 (Coram: A. S. Gadkari, J.) and has therefore submitted that without going into merits of the application applicant is entitled for bail on the ground of parity as according to the prosecution alleged contraband ganja weighing 30 kgs. came to be recovered from dicky of car in which applicant along with 2 co-accused are stated to be traveling and car came to be intercepted during *nakabandi* by police. It is submitted that this Court having considered the fact that after interception of vehicle, suspecting the same being involved in transport of contraband ganja, same was allowed to be taken to Police Station without performing any kind of panchanama and on the very count this Court has held other co-accused to be entitled for bail.

3. Relevant paragraph No.3 of the order dated 10/11/2017 is reproduced below:

“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. In view of admitted fact of applicant traveling with co-accused in a car which came to be intercepted as aforesaid, case is made out for grant of bail on the ground of parity. Though learned APP has submitted that applicant is from Hyderabad and habitual offender and had committed such offence while on bail in other crime, these aspects by itself are not sufficient to reject the present application. Hence order:

ORDER

- i) Applicant shall be released on bail in C.R. No.378/2017 registered with Mohol Police Station, Solapur on his executing P.R. Bond in the sum of Rs.25,000/- with one surety in the like amount;
- ii) Applicant shall mark his presence with Mohol Police Station, Solapur on first day of each month initially for a period of 6 months and thereafter quarterly on first day of each such month pending trial.
- iii) Application is disposed of as allowed.

(P.N. DESHMUKH, J)