

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

Criminal Application (BA) No. 210 of 2018 with Criminal Application (BA) No. 216 of 2018

Prakhil v. State of Maharashtra /Asmit v. State of Maharashtra

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

Court's or Judge's orders

Shri S. V. Sirpurkar, Advocate and Shri B. K. Meshram,
 Advocate for applicants
 Shri P. S. Tembhare, APP for respondent-State

CORAM : S. B. Shukre, J

DATE : 6.4.2018

Both these applications are being disposed of by this common order as they arise out of the same incident.

Heard. Both these applicants were arrested on 23.8.2017. The reason for their arrest was that they were suspected to be the suppliers of Ganja, a contraband substance prohibited under the NDPS Act and that is why the offences punishable under Sections 20 (B) and 22 of the NDPS Act were registered against them. It was alleged that these applicants, at the time when the raid was conducted at the house of one Meerabai from Wardha, ran away from the spot after arrival of the police. They were apprehended later on. But, no recovery whatsoever was made from them. Offences punishable under Sections 130 and 177 of the Motor Vehicles Act were also registered against them. However, nothing significant from the view point of any criminal role played by these applicants in this crime could be found by the investigating officer. Now, the charge-sheet has been filed. In this charge-sheet, as stated by learned counsel for the applicants, there is no incriminating material against them

except for the statement of the co-accused that they were the suppliers of the contraband substance. Learned Additional Public Prosecutor also could not point out any incriminating material in the entire charge-sheet as against these applicants. This would then mean that in the present case, there are prima facie no grounds to believe that the applicants are guilty as contemplated under Section 37 of the NDPS Act.

In the circumstances, I am inclined to allow both these applications.

Applications are allowed. It is directed that the applicants be released on bail in Crime No. 3175/2017 registered with Crime Branch, Ram Nagar, Wardha for the offences punishable under Sections 20 (B) and 22 of the Narcotic Drugs and Psychotropic Substances Act and Sections 130 and 177 of the Motor Vehicles Act on each of them executing PR Bond of Rs. 50,000/- together with one solvent surety in the like sum, on the following conditions :

- (1) Applicants shall attend the trial Court on all dates of hearing as may be fixed in the matter.
- (2) Applicants shall cooperate with the trial Court in expeditious disposal of the trial.
- (3) Applicants shall not tamper with the prosecution evidence in any manner.

Disposed of.

JUDGE

joshi