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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.160 OF 2019

Santaji Malhari Kharat ..Applicant.

V/s.

The State of Maharashtra ..Respondent.

Mr.Rajesh G.Bane for the applicant.

Mr. S.S.S Hulke, APP for the respondent-State.

CORAM : NITIN W. SAMBRE, J.

DATE : JANUARY 18, 2019

P.C.:-

Heard learned counsel for the applicant and learned APP for the State.

2. In crime No.53/2018 for offence punishable under section 8(c), 20(b) of the Narcotics Drugs and Psychotropic Substances Act, 1985 ('NDPS Act' for short) registered with Panvel police station, the applicant is seeking regular bail.

3. The prosecution case against the present applicant is, in response to a secret information, the applicant and co-accused were apprehended with banned substance under NDPS Act. The

applicant is the vehicle owner from which the banned substance was seized.

4. Learned counsel for the applicant makes the following submissions :-

- a) That the investigation in the matter is completed and as such, the charge-sheet is filed;
- b) There are no criminal antecedents;
- c) There is no material on record to directly connect the applicant with the crime in question by inferring that the applicant was in the knowhow that he was transporting the banned substance.

5. Learned APP opposed the submission of the applicant.

6. Having considered the submission, the fact remains that the applicant was apprehended in response to a secret information by police officers along with the vehicle which is owned by him in which the banned substance to the extent of 377 Kgs. was transported from Telangana.

7. The fact that the applicant *bona fide* has not verified the ownership and contents of the goods under transportation received from the co-accused against whom the allegations of

having the banned item are made cannot be accepted at this stage. From the record the conduct noted is sufficient enough to infer that the applicant with knowledge was transporting the banned item.

8. The vehicle in question is owned and driven by the applicant having banned item under the NDPS Act is already seized.

9. There is sufficient material to connect the applicant in the crime in question. As such, the application fails and the same is rejected.

(NITIN W. SAMBRE, J.)