

nsc.

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

CRIMINAL BAIL APPLICATION NO.1201 OF 2019

Nandlal Laddu Beldar	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.P.P.Runwal, for the Applicant.

Mr.S.S.Hulke, A.P.P for the Respondent - State.

API - More, Anti Narcotics Cell, Crime Branch, is present.

CORAM : REVATI MOHITE DERE, J.

DATE : 25th JULY, 2019

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.16 of 20 18 registered with the ANC Azad Maidan Unit, Mumbai, for the alleged offences punishable under Sections 8(c), 20(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act.

3. Learned Counsel for the applicant states that the applicant had only taken a lift in the Bolero Pick-up Jeep, which was coming to Mumbai and had no knowledge that the said vehicle was carrying contraband i.e. *ganja* in the gunny bags.

4. Perused the papers. On 12th March, 2018, at about 9.00 p.m., ANC Azad Maidan Unit, Mumbai, received information that one Bolero Pick-up Jeep bearing registration no.MH-05-8724 would be coming between 6.00 a.m. to 7.00 a.m, with a huge quantity of *ganja* for sale through Mulund Check Post. The said information, was reduced into writing in the station diary register. The said information was conveyed to the ACP and DCP, pursuant to which a trap was laid under the supervision of API – Kumbhar, and when the Bolero Pick-up Jeep arrived, three persons were arrested from the said jeep. All the three persons were searched, but, nothing incriminating was found on their person. Upon search of the jeep, 20 gunny bags of onion and 13 gunny bags containing 500 kg of *ganja* was found and accordingly seized. *Prima facie*, there is no material to show that the applicant had knowledge that *ganja* was being transported in the said vehicle. There is no material to show that the

applicant was either the owner of the consignment or any other material to attribute knowledge to him.

5. Considering the aforesaid, the application is allowed and the applicant is enlarged on bail on the following terms and conditions:-

ORDER

- i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.20,000/- with one or two local sureties in the like amount;
- ii) The Applicant shall attend the concerned Police Station, on the first Saturday of every month, between 10:00 a.m. to 11:00 a.m., for a period of 12 months from the date of his release;
- iii) The Applicant shall not tamper with the evidence or attempt to influence/contact the complainant, witnesses or any person concerned with the case;
- iv) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change

of residence or mobile details, if any, from time to time to the trial Court as well as to the concerned Police Station, in writing;

v) The Applicant shall co-operate in the conduct of the trial and shall attend the trial Court on every date of hearing, unless exempted by the trial Court.

vi) An undertaking to the aforesaid clauses (ii) to (v), shall be filed by the Applicants, in the Registry of the trial Court, within two weeks of his release;

vii) If there are 2 consecutive defaults either in attending the Police Station or in appearing before the trial Court or breach of any of the conditions as stated above, the prosecution will be at liberty to apply for cancellation of Applicant's bail.

6. The Application is allowed and disposed of in above terms.

7. It is made clear, that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide

the case on its own merits, uninfluenced by the observations made herein.

8. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.