

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (BA) NO. 63 OF 2019
(Vishambhar Laxman Karmakar and another .v. State of Maharashtra)

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

Court's or Judge's Orders

Shri R.M. Patwardhan, Advocate for the applicants.
Shri I.J. Damle, APP for the respondent/State.

CORAM : M.G. GIRATKAR, J.
27TH FEBRUARY, 2019.

Heard.

Learned Counsel for the applicants has submitted that the charge sheet is filed after 180 days from the time of arrest and, therefore, the applicants are entitled for bail as per Section 154 of the Code of Criminal Procedure.

Learned trial Court has observed that the charge sheet was filed within 180 days as the last day was Sunday and it is to be excluded. As per the provisions of Section 471 of the Code of Criminal Procedure and also as per the provisions of Limitation Act, the last day i.e. holiday is to be excluded from the time of limitation.

Both the applicants are involved in the offences under the provisions of NDPS Act. They were having commercial quantity of contraband/ganja. Both the applicants are the residents of Orissa and Chhatisgarh respectively. There is every possibility of their absconding. Hence, they are not entitled for bail.

In the result, the application is rejected.

The observations made in this order shall not be considered while deciding the trial on merit.

JUDGE

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