

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

Criminal Application (BA) No.622 of 2019
(Sajid Iqbal Abdul Rashid .vs. State of Maharashtra through Ministry of
Home Department and another.)

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

Mr. R.L. Khapre, Advocate for Applicant
Mr. A.D. Sonak, APP for Non-applicants/State.

CORAM : Manish Pitale, J.
DATED : July 25, 2019.

The applicant has approached this Court for grant of bail as he stood arrested on 13.06.2019 in pursuance of FIR of the same day registered against him and co-accused person for offence under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985. It was alleged that the accused persons were found in possession of cannabis weighing about 5 Kgs. and 714 grams.

2. It is claimed by the Police that on receiving secret information, the applicant and the co-accused person were apprehended at about 2.30 a.m. on 13.06.2019.

3. The learned counsel for the applicant has contended that he is an office bearer of a political party and that when he had visited the Police Station on 12.06.2019 to inquire about one of his political workers, the Police stage managed the aforesaid arrest of the

applicant and the co-accused with the contraband material.

4. It is pointed out that the Police had allegedly received secret information at about 12.30 in the midnight and at 2.30 AM., within two hours, the applicant and the co-accused were allegedly apprehended in the presence of panchas. It was submitted that there are no criminal antecedents of the applicant and that, therefore, the application deserves to be granted.

5. The learned APP has opposed grant of bail and it is pointed out that huge amount of contraband material has been seized and the applicant and the co-accused were found red-handed. On this basis, it was contended that the application deserves to be rejected.

6. The material on record, shows that the applicant does not have any criminal antecedents. The fact that the applicant is an office bearer of a political party, has not been denied in the reply and the material on record does not indicate that the Police upon receiving secret information, seems to have procured the presence of the panchas at a very short notice and the alleged raid has been conducted wherein the applicant and the co-accused were caught red-handed. The material on record also shows that investigation is already completed and that the charge-sheet has been filed in the present case. In this situation, when the applicant is not likely to flee the process of law, it

appears that the present application can be allowed by imposing appropriate conditions:

7. Accordingly, the present application is allowed and the applicant is directed to be released on bail on the following conditions:-

- a) The applicant shall furnish P.R. Bond of Rs.25,000/- (Rs. Twenty Five Thousand) and a surety in the like amount.
- b) The applicant shall attend the proceedings before the trial Court on each and every date.
- c) The applicant shall not influence witnesses.

8. Needless to say that violation of any of the conditions noted above, may lead to cancellation of bail granted to the applicant. It is clarified that the observations made in this order are limited to the question of grant of bail to the applicant.

9. Hamdast granted.

JUDGE