

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

CRIMINAL APPLICATION (BA) NO.893/2019

Lakhan Duryodhan Chavan .vs. State of Maharashtra through PSO P.S..
Shivaji Nagar, Khamgaon, Tq. Khamgaon, Dist. Buldhana.

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

Court's or Judge's orders.

Mr. S. M. Sharma, Advocate for applicant.
Mr. J. Y. Ghurde, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.

DATED : OCTOBER 11, 2019

This is an application for regular bail. The applicant is arrested in Crime No.317/2018, registered with Police Station, Shivaji Nagar, Khamgaon for an offence punishable under Sections 20 and 22 of the Narcotics Drugs and Psychotropic Substances Act.

Heard Mr. Sharma, learned counsel for applicant and Mr. Ghurde, learned A.P.P. for non applicant-State. Also perused reply and charge-sheet.

According to submissions of learned counsel for applicant, continuance custodial presence of the applicant is not necessary inasmuch as charge-sheet is already filed against applicant. He submits that co-accused Leela is already released on bail by this Court (Coram: Manish Pitale, J.) on 14.06.2019. He submits that the main accused is still shown to be absconding though he appears in another case as a witness before Court. He submits that applicant being the sole bread winner for his family, he be released on bail.

Per contra, by filing reply, application is strongly opposed by learned A.P.P. As per prosecution case, a secret information was received regarding transportation of contraband *Ganja*. Consequently, a trap was laid on NH6 near MIDC bye pass. As per secret information, one auto rickshaw bearing No.MH-28/T-718 came along with one motorcycle. Inspection on this vehicle was done by police party. During search, 100 kg. of *Ganja* was found in auto rickshaw and in said auto rickshaw, present applicant and Lila were present.

Applicant was found in conscious possession of contraband having commercial quantity. The argument in respect of bail to co-accused is not helpful to the present applicant inasmuch as this Court (Coram: Manish Pitale, J.) on 14.06.2019 granted bail to the applicant only because she is a lady.

Applicant was found in conscious possession of the contraband, which is more than commercial quantity. Merely because applicant is in jail since 14 months that is not a sufficient ground for releasing the applicant on bail.

In view of above, the application is rejected.

JUDGE