

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.1416 OF 2020

Digambar Balu Koli

Applicant

Versus

The State of Maharashtra

Respondent

Mr.Amol S. Sawant, advocate for the applicant.
Mr.R.V.Dasalkar, APP for the Respondent.

CORAM : V.K.JADHAV, J.

DATE : 17th December, 2020.

PC :

1 The applicant – Digambar Balu Koli is seeking bail in connection with Crime No.3028/2020, registered with Chopda Rural Police Station, Taluka Chopda, District Jalgaon, for the offences punishable under Sections 8(c), 20(c), 29 of the Narcotic Drugs & Psychotropic Substances Act read with Sections 188, 269, 270 of the Indian Penal Code and under Section 51(b) of the Disaster Management Act, 2005.

2 Heard both sides.

3 The learned Counsel for the applicant submits that the investigation is over and charge sheet has been submitted. The applicant is in jail, in connection with the present crime, since

17th May, 2020. Accused no.1 Ramsevak caught raid handed during the raid. However, it has been alleged that the present applicant, along with co-accused no.4, kept the contraband article beneath the wheat bags in the Goods vehicle being driven by said accused no.1 - Ramsevak. The learned Counsel submits that co-accused no.1 - Ramsevak has been released on bail by this Court. He submits that there is no criminal history. The applicant is available for trial. The applicant is ready to abide by the conditions, that may be imposed by this Court while releasing him on bail. The learned Counsel submits that the applicant may be released on bail.

4 The learned A.P.P. has strongly resisted the application on the ground that it has been revealed during investigation that the present applicant along with co-accused no.4 kept the contraband article beneath the wheat bags. *Prima facie*, there is strong case against the applicant. The applicant may not be released on bail.

5 On going through the allegations made in the complaint and on perusal of the charge sheet, it appears that accused no.1 - Ramsevak was caught raid handed. However, as far as present applicant is concerned, there is no connecting evidence against him. There is no evidence as to how the applicant is responsible for keeping bag containing the said contraband article ganja beneath the wheat bags being carried in the Goods vehicle. This Court, by order dated 19th September, 2020 in Bail Application No.997/2020, released

co-accused no.1 – Ramsevak on bail. This Court, while disposing of the said application, has observed that one Bhura has engaged the present applicant and co-accused no.4 to keep the said contraband article beneath wheat bags. However, neither said Bhura has been arraigned as an accused, nor there is any connecting evidence against the present applicant. The applicant has made out a case for bail in terms of the provisions of Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985. I am, thus, inclined to release the applicant on bail with certain conditions.

6 Hence, the following order:

(i) The application is hereby allowed.

(ii) The applicant – Digambar Balu Koli, in connection with Crime No.3028/2020, registered with Chopda Rural Police Station, Taluka Chopda, District Jalgaon, for the offences punishable under Sections 8(c), 20(c), 29 of the Narcotic Drugs & Psychotropic Substances Act read with Sections 188, 269, 270 of the Indian Penal Code and under Section 51(b) of the Disaster Management Act, 2005, be released on bail on his furnishing Personal Bond of Rs.25,000/- (Rs.Twentyfive thousand) with one solvent surety of the like amount, on the following condition:

(a) The applicant shall not tamper with the prosecution evidence, in any manner.

7 The application is accordingly disposed of.

(V.K.JADHAV)
JUDGE

adb