

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1602 OF 2019

Fakira Masum Tadavi

...Applicant

Versus

State of Maharashtra

...Respondent

.....

Mr. Joydeep Chatterji, Advocate for the Applicant

Mr. V.S.Badakh, A.P.P. for Respondent-State

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CORAM : R. G. AVACHAT, J.

DATE : 06.01.2020

ORAL ORDER :

This is an application u/s 438 of the Criminal
Procedure Code.

02. The applicant claims to have reasonable
apprehension of being arrested in connection with Crime
No. 152/2019 registered with Jillapeth Police Station,
Dist. Jalgaon for offence punishable under Sections 8(C),
20, 22 of the NDPS Act.

03. The first information report (F.I.R.) has been lodged by Police Constable attached to Jillapeth Police Station, Jalgaon. On getting a secret information, two persons namely Vicky Sonawane and Tanveer Tadvī (accused) were over powered at the Bus Station. On search of two bags with them, it was found that the bags contained 31 Kg of *Ganja*.

04. On investigation, charge-sheet has been filed. It is the case of the prosecution that on enquiry with the accused persons, it was revealed that they had brought the contraband (गंजा) from a person by name Fakira. On the basis of the said information, the applicant has been named as an accused in the charge-sheet.

05. The accused Vicky and Tanvir did not give full name of Fakira. The learned A.P.P. would submit that this applicant was in continuous contact with the arrested accused on cell phone.

The Investigating Officer appears to have made no investigation to find whether the applicant in fact did sell narcotics like *Ganja*. Admittedly, the applicant has no criminal antecedents. The arrested accused did not

give full name of the person from whom they had brought Ganja. The first name of the applicant only tallies with the name disclosed by the arrested accused. Only this much material is grossly inadequate to curtail the liberty of the applicant by taking him in the custody.

06. With a view to give the Investigating Officer full liberty to make investigation to find as to whether it is the applicant from whom the arrested accused had brought Gajna, I am inclined to grant the applicant anticipatory bail for limited duration of 6 months. Thereafter, the case of the applicant can be reviewed on the basis of further material, if any, that may be collected during investigation.

07. In view of the above, the application deserves to be allowed. Hence, the following Order;

O R D E R

(i) Application is allowed.

(ii) In the event of arrest of the applicant namely Fakira Masum Tadavi, he be released on bail in connection with Crime No.152/2019

registered with Jillapeth Police Station, Dist. Jalgaon for offence punishable under Section 8(C), 20, 22 of NDPS Act, on his executing P.R. Bond in the sum of Rs. 15,000/- (Rupees Fifteen Thousand Only) and surety bond in the like amount.

(iii) Grant of this anticipatory bail is for the duration of 6 months only.

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

(v) Application is disposed of accordingly.

[R.G.AVACHAT]

JUDGE

Dahibhate/-