

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.98 OF 2020

Dilip Tukaram Echake

....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Sachin R. Pawar, for the Applicant.

Mr. S. H. Yadav, APP for the Respondent- State.

CORAM : PRAKASH D. NAIK, J.

DATE : 24th January, 2020

P.C.:

1. This is an application for Anticipatory Bail in connection with C.R.No.210 of 2017, registered with Manchar Police Station, District- Pune, for offences punishable under Sections 8(c) and 20(c) of the Narcotic Drugs and Psychotropic Substances ('NDPS' for short) Act, 1985.

2. The case of the prosecution is that, information was received that two persons are in possession of Ganja for the purpose of selling it. The police apprehended accused. Inquiry was made with accused Shrihari Mahadu Valse. The police raided warehouse of Shrihari Valse. 51 Kg and 460 grams worth Rs.8,23,360/- was found

in the warehouse in gunny bags. At the time of raid, accused No. 2 ran away from the spot.

3. Investigation proceeded. Charge sheet is filed. The applicant preferred an application for Anticipatory Bail before the Sessions Court which has been rejected by order dated 06th January 2018. The prosecution case against the applicant is that, during the course of investigation, the involvement of the applicant was disclosed by co-accused.

4. Learned counsel for the applicant submitted that the applicant has been falsely implicated in this case. He was not found in possession of any contraband. He was not present at the warehouse where Ganja was stored. Present applicant and several persons bearing same name were found to be resident of area. The appellant cannot be identified to be same persons referred by the co-accused.

5. Learned APP submits that, involvement of the applicant was disclosed during the investigation. He has applied for Anticipatory Bail before the Sessions Court. The applicant did not urge the submission regarding other persons bearing similar names before the Sessions Court. The offence is of serious nature. 51 Kg Ganja was recovered from the co-accused. The applicant is absconding.

6. As stated above, accused No.1 was arrested after recovery of Ganja from the warehouse. Since the date of offence, the applicant is absconding. The vehicles used in the crime for transporting Ganja are to be seized. According to the prosecution, the applicant's involvement was disclosed during the interrogation of the arrested accused. The complaint was lodged on 31st July 2017. The application for Anticipatory Bail was preferred by the applicant before the Sessions Court was rejected on 06th January 2018. Almost after a period of two and half year, the applicant had preferred the present application. The contention of the applicant is that, it is the case of mistaken identity, cannot be accepted. He has been absconding since long. Hence, no case for grant of Anticipatory Bail is made out.

7. Anticipatory Bail Application No.98 of 2020 is rejected.

(PRAKASH D. NAIK, J.)