

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

CRIMINAL APPLICATION (BA) NO.33/2020

Rekha Ganesh Kalpad .vs. State of Maharashtra through PSO P.S. Malegaon,
Dist. Washim.

AND

CRIMINAL APPLICATION (BA) NO.35/2020

Sangita Raju Paikrao .vs. State of Maharashtra through PSO P.S. Malegaon,
Dist. Washim.

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

Court's or Judge's orders.

Mr. A. S. Dhore, Advocate for applicants.
Mr. N. R. Rode, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.

DATED : FEBRUARY 4, 2020

These two applications are disposed of by this common order since both arise out of Crime No. 300/2019, registered with Police Station, Malegaon, Dist. Washim for an offence punishable under Sections 20 and 29 of the Narcotic Drugs and Psychotropic Substance Act.

Heard Mr. Dhore, learned counsel for applicants and Mr. Rode, learned A.P.P. for non applicant-State. Also perused the charge-sheet and reply filed by the learned prosecution.

It is the submission of the learned counsel for the applicants that intermediate quantity was recovered from both the applicants. It is also his submission that as both the applicants are ladies coupled with the fact that investigation is over and charge-sheet is filed, they are entitled to be released on bail.

Gender can never be a criterion for releasing the accused on bail especially when the accused is arrested in connection with a crime, which greatly impacts societal interest. Therefore, the applicants who are ladies, merely because of their gender they are not entitled to be bailed out. Hence, submission made on behalf of the learned counsel for the applicants is rejected.

As per the reply and as per the prosecution case, police officer received secret information that four persons are carrying a contraband “Ganja” to sell the same in the society. Accordingly, intimation was given to Sub Divisional Police Officer, Washim and after obtaining necessary permission for raid and after completing all formalities, those four persons were accosted. They revealed their identity as Rekha Kalpad and Sangita Paikrao i.e. the present applicants and Yogesh Panbhare and Syed Rashid. The charge-sheet would show that all the mandatory provisions were duly followed and it was found that accused Rekha was possessing 5.550 kg. of ganja and accused Sangita was possessing 8.370 kg. of ganja.

Learned counsel for applicant could not point out any breach of mandatory provisions. As noted above, it is the submission of learned counsel for applicant that investigation is over and charge-sheet is filed and applicants are ladies, they be released on bail. However, that aspect I have already dealt in the earlier part of this order.

Selling of narcotic drugs in the society, in my view, is one of the most heinous crime. This Court cannot

keep blind eye that for few bucks the drug paddlers like the applicants are bent upon to destroy youths of the nation. These persons are not at all to be shown any leniency. The society cry for severe punishment to such persons.

The case is already registered as NDPS Case No.61/2019. Though there is no past criminal record of the applicants, in my view, that cannot be a ground to release the applicant on bail, especially when the applicants were found to be in possession of ganja of more than 5 kg. and 8 kg. respectively. Further, there is no breach of any statutory provision.

No case is made out by the applicants. The application is, therefore, rejected.

JUDGE