

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

CRIMINAL APPLICATION (BA) NO.107 OF 2020

(Juddishtir s/o Kirtan Dalua Vs. State of Maharashtra thr. PSO PS Duggipar, Tah.
Sadak Arjuni, Dist. Gondia)

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

Court's or Judge's orders.

Shri S.A. Mohta, Advocate with Shri J.K. Matale, Advocate for Applicant.
Shri N.B. Jawade, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 3rd MARCH, 2020.

The applicant is in custody since 10.03.2019 in connection with Crime 49/2019 for the offence punishable under Section 20(B), 21(C) and 22(C) of the Narcotic Drugs and Psychotropic Substance Act, 1985 registered with Police Station Duggipar, District Gondia.

2] The prosecution case is that the applicant was driving Truck bearing registration OR-04 L-2023 which was transporting 367.880 Kg. of Ganja.

3] Shri S.A. Mohta, the learned counsel for the applicant would submit that even if the entire charge-sheet is taken at face value, the case of the prosecution against the present applicant is vulnerable since no test identification parade is conducted.

4] The solitary witness who claims to have seen the driver of the offending vehicle flee has not given the description or the broad facial feature of the person who was driving the vehicle and who fled. The charge-sheet does not give a clue how the present applicant was identified as the same person who was driving the offending vehicle and who then fled. Be that as it may, all these issues would be looked into during the course of trial.

5] At this stage, I am satisfied that the applicant has made out case for grant of bail.

6] The application is allowed.

[i] The applicant be released on furnishing personal bond of Rs. 25,000/- and two sureties who shall be respectable persons having no criminal antecedents, to the satisfaction of the trial court.

[ii] The applicant shall report at Police Station Duggipar on the first Monday of every calendar month and shall scrupulously attend each date of trial.

7] It is made clear that any breach of the conditions of bail shall entail immediate cancellation of bail.

JUDGE