

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

CRIMINAL APPLICATION (BA) NO. 154 OF 2020
(Amitkumar s/o Hukumchand, Delhi (In Jail) Vs. State of Maharashtra)

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

Court's or Judge's orders.

Shri R.M. Daga, Advocate for the applicant.
Ms. H.N. Jaipurkar, APP for the respondent.

CORAM : PUSHPA V. GANEDIWALA, J.
MAY 12, 2020.

Heard.

This is an application for grant of bail to the applicant, who is in jail in connection with Crime No. 347/2016 registered by the Police Station, Katol, District Nagpur for the offence punishable under Sections 8(c), 20(B), 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 read with Section 34 of the Indian Penal Code.

It is the case of the prosecution that on 05/09/2016, a report came to be lodged with the Police Station, Katol alleging therein that on 05/09/2016, PSI Ghondge had informed that one car was fallen down from the bridge in the canal at Chikhali – Maina Shivar and two occupants namely Amit Singh Tomar and Vijay Pal Kohi had been injured.

The Police then reached the spot of occurrence. They noticed contraband material i.e.

‘Ganja’ weighing around 190 kg in the dicky of the car bearing registration No. DL-4C/AB-6700.

The earlier bail application of the applicant was withdrawn on 18/01/2018 as this Court was not inclined to allow the same.

It is submitted that co-accused No.5 Nikhilesh Dinesh Bakshi has already been released on bail by the Hon’ble Supreme Court by order dated 06/12/2019 passed in Criminal Appeal No. 1857/2019.

It is further submitted that the case of the present applicant is on a better footing than the aforesaid co-accused No.5, who is already on bail.

On the contrary, the learned APP while opposing the bail application submitted that the present applicant, who is the resident of Delhi, gave his false address in order to mislead the prosecution. He further submitted that during investigation it is revealed that the present applicant is involved in the smuggling of narcotic ‘Ganja’ and his name appeared in the statement of the other co-accused.

Per contra, the learned counsel for the applicant submitted that the contraband was not recovered from the possession of the present applicant while a huge amount of contraband was recovered from accused No.5, who is on bail.

Perusal of the aforesaid order passed by the Hon’ble Supreme Court would reveal that the

Hon'ble Supreme Court considering the fact that the trial could not be proceeded because one of the accused is absconding and the role assigned to the applicant before the Hon'ble Supreme Court was of driving the taxi, though from the place he was arrested, 350 kg of contraband was found, the Hon'ble Supreme Court had released the applicant therein on bail.

In view of the facts aforesaid, I am of the opinion that on stringent conditions, the instant application can be allowed. Hence, the following order :-

ORDER.

1. The Criminal Application is allowed.
2. The applicant Amitkumar s/o Hukumchand shall be released on bail on his executing P.R. bond in the sum of Rs.5,00,000/- (Rs. Five Lakhs only) with one local surety in the like amount.
3. The applicant shall also deposit the original title document of his property or the property of his family members in Nagpur or in Delhi, subject to the verification by the learned Trial Court.
4. The applicant shall report to the concerned Police Station on the first Monday of every

quarter.

5. Needless to say that in case of breach of any of the aforesaid conditions, the respondent/State will be at liberty to arrest the applicant.

6. The Criminal Application stands disposed of in above terms.

JUDGE

Sumit