

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

CRIMINAL APPLICATION (BA) NO.175 OF 2020

Bichha Kotayya Balot.

..VS..

State of Maharashtra through PSO PS, Ramnagar, Tah. and Dist. Chandrapur.

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

Court's or Judge's orders

Mr. A. A. Dhawas, counsel for the applicant.
Mr. N. R. Rode, APP for the non-applicant/State.

CORAM : AVINASH G. GHAROTE, J.

DATED : 29th JUNE, 2020

Hearing was conducted through Video Conferencing and the learned Counsel agreed that the audio and visual quality was proper.

Heard Mr. Dhawas, learned counsel for the applicant. The applicant is charged with an offence punishable under Section 20 and 22 of the N.D.P.S. Act of having possessed 59.560 of Kg. of Ganja, which admittedly is a commercial quantity. Mr. Dhawas, learned counsel contends that the applicant is innocent and has been falsely framed in the matter. He submits that the Ganja did not belong to the applicant and he merely travelled in the auto from which it was seized. He therefore, claim innocence of the applicant and seeks has release on bail.

Mr. Rode, learned APP appearing for the non-applicant opposes the application contending that the seizure is as per the parameters prescribed in the matter and the quantity is a commercial quantity. He further submits that this is the second offence against the same

applicant.

The defence put forth by Mr. Dhawas, learned counsel for the applicant, that the applicant had nothing to do with the Narcotic substance, is contrary to the position that the applicant was found in possession of the same, while travelling in the auto with the co-accused. The theory of being framed thus prima facie does not appear to be correct. The charge-sheet is already filed on 07.08.2019 and trial is already commenced. The CA report confirms that the substance seized is Ganja. That being the position, I am not inclined to accept the contention put forth by the counsel for the applicant for seeking bail of the applicant. The application therefore, is accordingly rejected.

This order be communicated to the counsel appearing for the parties, either on the email address or on WhatsApp or by such other mode, as is permissible in law.

JUDGE

Sarkate