

1**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
NAGPUR BENCH, NAGPUR.**LD-VC-CRIMINAL APPLICATION [BA] NO. 158/2020.**

Manish Singh Dhruvkumar Singh

-VERSUS-

The State of Maharashtra.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri R.M. Daga, Advocate for the Applicant.

Shri N.R. Patil, A.P.P. for the Non-applicant.

CORAM : VINAY JOSHI, J.**DATE : JUNE 22, 2020.**

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

2. The applicant is seeking regular bail in connection with Crime No. 347/2016 relating to 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. The applicant claimed bail on usual grounds like innocence, false implication, inadequacy of evidence. Besides that, the learned Counsel for the applicant has straneously argued that on the ground of

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parity and delay in conclusion of trial, the applicant is entitled for grant of regular bail.

3. The learned A.P.P. appearing on behalf of State Government resisted the application by contending that huge quantity Ganja was seized from possession of the applicant. There was interconnection between the applicant and co-accused who were involved in sale of huge quantity of Ganja. The applicant failed to explain possession of Ganja at his Farmhouse. Lastly, it is submitted that the rule of parity does not apply since the co-accused, who were released on bail have distinct role.

4. It is the case of prosecution that on 05.09.2016, the police learn that one car fell from the bridge in canal at Chikhali-Maina shivar and two occupants namely - Amit Singh Tomar and Vijay Pal Kohi got injured. Police reached the spot and apprehended both of them along with 189.89 kg of Ganja worth Rs. 1,90,000/-. It is the further case of the prosecution that during interrogation, the arrested accused disclosed that Ganja is stored at one Farmhouse. Accordingly police went to the Farmhouse owned by the applicant, where applicant along with

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Ramsajan Singh, Nikhilesh and Nagular Vijay were present. During search, police seized 350 kg Ganja from all of them. Co-accused Nikhilesh came to be released on bail by the Hon'ble Supreme Court vide orders passed in Criminal Application No.1857/2019 dated 06.12.2019. In that connection, the learned counsel for the applicant pointed out that Nikhilesh was also found in the Farmhouse along with the applicant, from where 350 kg Ganja was seized. Moreover, the applicant took me through the chart of seizure annexed to the final report. In item no.6 there is mention that 350 kg Ganja was seized from Manishsingh, Ramsajan Singh and Nikhilesh. In that regard, it is straneously argued that Nikhilesh, who was released on bail has similar role since he was also found along with the applicant at the Farmhouse from where 350 kg Ganja was seized.

5. Learned A.P.P. submitted that Nikhilesh who was released on bail was merely a driver. However, police paper disclose that Nikhilesh was in the Farmhouse along with the applicant and one other person, from where 350 kg Ganja was seized. Therefore, though the applicant was owner of the

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Farmhouse, however the fact remains that there were three persons in the Farmhouse from where huge quantity of Ganja was seized, out of them applicant is one and Nikhilesh, who was released on bail is another.

6. The Hon'ble Supreme Court has also noted that 350 kg contraband was found, but, the trial has not proceeded for longer time, and therefore, Nikhilesh was released on bail. The role of applicant is some what similar to Nikhilesh, who has already been released on bail.

7. Likewise the learned Counsel for the applicant took me through the bail order passed by this Court in Criminal Application No.154/2020, by which another co-accused Amitkumar came to be released. This Court has considered that co-accused Nikhilesh was released by the Hon'ble Supreme Court on bail and hence the benefit of rule of parity was granted to him. In such a background, the present matter is to be viewed like that of Nikhilesh.

8. 350 kg Ganja was seized jointly from possession of the applicant. Notably, the applicant came to be arrested on 08.09.2016 i.e. for near about

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4 years he is in jail. The trial will take its own time for disposal according to law. Having regard to this peculiar fact and on the principle of parity, the applicant is entitled for bail. Hence, the following order.

- (i) The applicant/accused Manish Singh Dhruvkumar Singh be released on bail on his furnishing P.R. Bond in the sum of Rs.5,00,000/- (Rs.Five lakhs), with one surety in the like amount.
- (ii) The applicant/accused shall deposit the original title documents of his immovable property of which he is owner/co-owner, with the Trial Court, which would be subject to verification of the trial Court.
- (iii) The applicant/accused shall report to the concerned police station on the first Monday of every month between 10 a.m. to 12 noon, till the conclusion of the trial.
- (iv) The applicant/accused shall provide his residential address and cellphone number to the concerned Investigating Officer, and he shall not change the same without

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prior intimation to the Investigating Officer.

- (v) The applicant/accused shall not tamper with the prosecution evidence in any manner.
- (vi) The applicant/accused shall attend each and every date of hearing of the case before the trial Court.
- (vii) Breach of either of these conditions will also give rise to State Government to move for cancellation of bail.
- (viii) Criminal Application is accordingly disposed of.

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

JUDGE

Rgd.