

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 956 OF 2021

Shakur Rajjak Rangrej @ Rana

...Applicant

versus

The State of Maharashtra

...Respondent

.....  
Mr. G.L. Deshpande, advocate for the applicants  
Mr. G.O., Wattamwar, A.P.P. for respondent-State

.....

**CORAM : V. K. JADHAV, J.**  
**DATED : 29<sup>th</sup> OCTOBER, 2021**

**PER COURT:-**

1. The applicant is seeking anticipatory bail in the event of his arrest in connection with crime No. 95 of 2019 registered with Chalisgaon police station, District Jalgaon for the offences punishable under Sections 8, 20 and 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 and Sections 420 and 465 of I.P.C. His application below Exh.1 in criminal bail application No. 618 of 2021 with similar prayer came to be rejected by the learned Additional Sessions Judge, Jalgaon, vide order dated 09.08.2021.

2. The applicant had filed anticipatory bail application No. 1105 of 2019 and this Court has disposed of the said application as withdrawn vide order dated 09.09.2019. So far as the order dated 09.09.2019 disposing of anticipatory bail application No. 1105 of

2019 filed by the present applicant is concerned, no liberty was granted to the applicant herein to file an application for anticipatory bail again.

3. The applicant however, after this Court (Coram: Smt. Vibha Kankanwadi, J.) allowed the anticipatory bail application No. 1026 of 2020 vide order dated 7.12.2020 filed by the co-accused Masood Khan Kamal Khan, has filed criminal bail application No. 281 of 2021 before the Sessions Judge, Jalgaon under the changed circumstances that the co-accused Masood Khan Kamal Khan has been released on anticipatory bail. However, by order dated 03.04.2021 the learned Additional Sessions Judge, Jalgaon has disposed of the said criminal bail application No. 281 of 2021 as withdrawn with liberty to file application afresh. It appears that instead of filing fresh application before the Sessions Court in terms of the said liberty, the applicant has filed anticipatory bail application No. 737 of 2021 before this Court. This Court (Coram: Sandeep K. Shinde, J.) by order dated 16.07.2021 has disposed of the said application with liberty to the applicant to approach the Sessions Court in terms of liberty granted to him by the Sessions Court by order dated 03.04.2021.

4. The earlier anticipatory bail application of the applicant bearing No. 1105 of 2019 came to be disposed of by this Court as withdrawn vide order dated 09.09.2019 without granting any liberty. In view of

the same, there is no reason to consider this application afresh. Even the learned Additional Sessions Judge has no reason to grant liberty to the applicant to file application afresh.

5. Even assuming that in the changed circumstances the applicant has preferred this application for anticipatory bail before this Court since his application with similar prayer came to be rejected by the Additional Sessions Judge, Jalgaon vide order dated 09.08.2021 below Exh.1 in criminal bail application No. 618 of 2021, I find no merits in the application.

6. I have carefully gone through the order passed by this Court (Coram: Smt. Vibha Kankanwadi, J.) dated 07.12.2020 in anticipatory bail application No. 1026 of 2020 granting anticipatory bail to the applicant therein i.e. co-accused Masood Khan Kamal Khan, however, the allegations as against co-accused Masood Khan are altogether different. The co-accused Masood Khan came to be released on anticipatory bail by this Court by observing that entire charge sheet does not show as to how the identity of co-accused Masood Khan came to be revealed as one of the occupants of Mahindra Marazzo at the relevant time. At present, the charge sheet has been filed. It is also observed by the Court that in the given set of allegations the physical custody of co-accused Masood Khan is not required.

7. In the instant case, however, the applicant and accused No.6 are the main accused persons and at their instance trafficking of NDPS material has been made. The contraband articles were more than the commercial quantity. Those contraband articles were found in the Innova car and Mahindra Marazzo car. It further appears from investigation papers that the said Mahindra Marazzo car was without registration and passing and the applicant has entered with the transaction relating to the said Mahindra Marazzo car immediately before incident. There is also call detail record which prima facie indicate the involvement of the applicant in the commission of crime. Further, the Innova car which has been used in the crime is having fake number. In view of the same, the physical custody of the applicant is necessary for interrogation. The charge sheet has been submitted under Section 299 of Cr.P.C. and in view of the same, after effecting the arrest of the applicant, investigation can be carried out by obtaining his custody. Prima facie, there are no reasonable grounds to believe that the applicant is not connected with the offence.

8. Learned counsel for the applicant has vehemently submitted that there is no criminal antecedent. The applicant, who is electric motor mechanic doing his motor rewinding business at Malegaon, has been falsely implicated in the present crime and is only bread earner in the family.

9. Learned counsel for the applicant in order to substantiate his submissions has placed reliance on the following cases:-

- i) Judgment of Supreme Court in the case of Jayandra Vishnu Thakur vs. State of Maharashtra and another, in criminal appeal No. 981 of 2009 (arising out of SLP (Cri.) No. 6374 of 2007) decided on 11.5.2009.
- ii) Judgment of Supreme Court in the case of Harjit Singh vs. Inderpreet Singh @ Inder and another, in criminal appeal No. 383 of 2021 (arising out of SLP (Cri.) No. 3739 of 2021) decided on 24.8.2021.
- iii) Judgment of Supreme Court in the case of Jayandra Saraswathi Swamigal vs. State of Tamilnadu, in appeal (Cri.) No. 44 of 2005 (arising out of SLP (Cri.) No. 6192 of 2004) decided on 10.01.2005.
- iv) Sunil Vasantrao Phulbande vs. State of Maharashtra reported in 2002 (3) Mh.L.J. 689;
- v) Common order dated 24.08.2021 of this Court (Principal seat at Bombay) in bail application No. 2471 of 2021 with bail application No. 2565 of 2021 (Harsh Shailesh Shah vs. The State of Maharashtra).
- vi) Order dated 12.10.2021 of this Court (Principal seat at Bombay) in criminal appeal No. 457 of 1996 (Shri D. Bhambri vs. Eknath Marutirao Kalmetkar and another).
- vii) Order dated 16.09.2020 of Punjab and Haryana High Court in CRM-M-27992 of 2020 (Vikram Singh vs. State of Punjab).

10. Though the learned counsel for the applicant has placed reliance on the above cited cases, however, the cases cited above are not relevant and cannot be made applicable to the facts and circumstances of the present case. Hence, I proceed to pass the following order:-

#### O R D E R

Anticipatory bail application is hereby rejected.

**(V. K. JADHAV, J.)**

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