

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1147 OF 2021

Shabbir Hussain Khan

Applicant

Versus

The State of Maharashtra

Respondent

Ms. A.R. Shaikh, Advocate for the applicant.

Mr. V.M. Kagne, APP for respondent/State.

CORAM : M.G. SEWLIKAR, J.

DATE : 21st October, 2021.

PER COURT :

1. This is an application under Section 439 of the Code of Criminal Procedure for releasing the applicant on bail.

2. It is alleged in the First Information Report that secret information was received that Ganja was being transported in Indica Car bearing registration No. MH 16 AJ 1895 from Jamkhed to Ahmednagar. Accordingly, the said car was intercepted. Name of the driver was Sadiq Subhan Shaikh and the name of his associate was Ashish Adep. After conducting usual procedure of collecting sample,

charge-sheet came to be filed against accused Nos. 1 and 2. They were put to trial and they have been acquitted by the Special Court.

3. Smt. Shaikh, learned counsel for the applicant submits that there is nothing on record to show that applicant was absconding. Applicant was not present at the scene of the offence. Nothing has been brought on record to connect the applicant with the offence.

4. Learned APP opposed the application contending that offence is serious in nature.

5. Applicant was arrested on 7th August, 2021. On perusal of the papers, it is seen that no record is produced to show that the applicant was absconding. Accused Nos. 1 and 2 were tried for the offence punishable under Section 22(B) of the Narcotic Drugs and Psychotropic Substances Act and, they have been acquitted of the said offence. Another accused who is the owner of the car has been released on anticipatory bail by the learned Special Court. Having regard to this, I am inclined to release the applicant on bail. Hence the following order :-

ORDER

- i) Application is allowed.
- ii) Applicant be released on PR Bond of Rs.15,000/- (Rs. Fifteen Thousand) with one solvent surety in the like amount in connection with Crime No. II-86/2018 registered with Bhingar Camp Police Station, Dist. Ahmednagar, for the offence punishable under Section 22(B) of Narcotic Drugs and Psychotropic Substances Act, on condition that he shall not tamper the prosecution evidence and shall not interfere in the investigation.
- iii) Application is disposed of.
- iv) It is clarified that the observations made in the above order are restricted to the decision of this application only and the trial Court shall not get influenced by the same and can come to its independent conclusion during trial.

(M. G. SEWLIKAR)
Judge