

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1820 OF 2021

SHANKAR SHIVAJI DHALE

)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA

)...RESPONDENT

Mr.A.P.Mundargi, Senior Advocate a/w. Mr.Omkar Nagvekar i/b.
Ms.Prabha Badadare, Advocate for the Applicant.

Smt.S.V.Sonawane, APP for the Respondent – State.

Mr.Suhas Jagtap, Police Inspector, Sangola Police Station present
in Court.

CORAM : V. G. BISHT, J.

DATE : 12th OCTOBER 2021

P. C. :

1 The present application has been moved by the
applicant under Section 438 of the Code of Criminal Procedure
apprehending arrest under Section 20 of Narcotic Drugs and
Psychotropic Substances Act (NDPS Act) registered vide Crime
No.716 of 2021 with Police Station Sangola.

2 It is the case of the prosecution that informant Police Sub-Inspector Nale received confidential information on 6th June 2021 that at about 10.00 p.m. one Kumar Jadhav is going to transport gunny bags containing Ganja in Mahindra pick up van to Pandharpur. Accordingly, the raid was carried out by intercepting Mahendra pick up van and driver namely Kumar Jadhav (A-1) provided information that the pick up van was owned by one Suresh Kamble (A-2). When the search of the pick up van was carried out, some empty crates were found and behind the empty crates 11 gunny bags with the caption “CP broiler Finisher” containing ganja were there. After carrying out necessary formalities of seizure, the informant lodged the report.

3 Mr.A.P.Mundargi, learned senior Advocate for the applicant, submits that the First Information Report (FIR) does not disclose the name of the applicant as an accused or proposed accused and no role is suggested or assigned to the applicant either by the informant or the police or by any accused. According to the learned senior Advocate the investigation is already over

and the charge-sheet has been filed and in such circumstances, there is no necessity of custodial interrogation of the applicant.

4 Smt.Sonawane, learned APP, on the other hand, fairly submits that the investigation is over and the charge-sheet has already been filed. The Investigating Officer is also present. I have heard the Investigating Officer and he also confirms the submission that since the charge-sheet has been filed, there is no necessity of custodial interrogation.

5 I have carefully gone through the contents of the FIR and as also the investigation papers. It appears from the record that the name of the present applicant came to be revealed by accused nos.5 and 6. Except that, there is nothing on record to show the role of the present applicant in the alleged offence. It needs to be kept in mind that the investigation is already over leading to the filing of the charge-sheet. This fact is also fairly admitted by the Investigating Officer and as also about non-requirement of applicant's custodial interrogation.

6 In view of the above, I am inclined to allow the application. Hence the following order :

ORDER

- 1 The application is allowed.
- 2 The ad-interim protection granted by this Court on 20th August 2021 is confirmed and made absolute.
- 3 The application stands disposed of accordingly.

(V. G. BISHT, J.)