

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 1149 OF 2021

Vikas Mahendra Tripathi ... Applicant

Versus

The State of Maharashtra ... Respondent

.....

Mr. Pankaj Jadhav i/b. Lex Rex Jurist, Advocate for the Applicant.

Ms. Anamika Malhotra, APP for the Respondent – State.

Mr. Biradar (A.P.I.) Juhu Police Station, Present.

.....

CORAM : PRAKASH D. NAIK, J.

DATE : 3rd MAY, 2021

PER COURT:

1. This is an application for anticipatory bail in LAC. C.R. No. 10 of 2021 registered with Juhu Police Station for offence under Section 8(C) r/w Section 20 of Narcotic Drugs & Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The case of the prosecution is that on 26th February, 2021, while the Police were on duty in Juhu area, they noticed that one person started running after noticing them. He was chased and apprehended by the Police. He was in possession of 500 grams of Charas. He was arrested. He was produced before the Court. During the course of investigation he disclosed that the contraband was

supplied to him by the person named Vicky. The investigation proceeded.

3. Learned Advocate for the applicant submitted that the applicant is not involved in this case. The prosecution case proceeds with the fact that the arrested accused had disclosed the name as Vicky. Full name of the accused was not given. Apparently, it is the case of mistaken identity. The cell phone referred to by the co-accused do not stand in the name of the applicant. The applicant is willing to cooperate with the investigation. The arrested accused has been granted bail. The contraband recovered is non-commercial quantity. His custodial interrogation is not necessary. Arrested accused has been granted bail.

4. Learned APP submitted that offence is of serious nature. During the course of investigation, arrested accused has disclosed the name of Vicky as a person who is involved in this transaction and person who had handed over the contraband to him. It is submitted that the statement of the accused has been recorded during the course of investigation which establishes the link between arrested accused and the applicant. The identity of applicant was confirmed through the photograph on the Instagram. Although the sim cards in the cell phones referred to by the co-accused does not stand in the

name of the applicant, the case of the prosecution is that the applicant is using the said cell phones to be in touch with the arrested accused.

5. The offence relates to trafficking in narcotic drug. The contraband was recovered from the possession of the arrested accused. During the course of investigation, the involvement of applicant has been disclosed. Prima facie the link of the applicant and his complicity has been disclosed by the arrested accused. Considering the seriousness of the offence, custodial interrogation of the applicant is necessary. No case for grant of anticipatory bail is made out.

ORDER

Anticipatory Bail Application No. 1149 of 2021 is rejected and stands disposed of accordingly.

(PRAKASH D. NAIK, J.)