

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2200 OF 2021

Krushna Raju Naidu

Applicant

versus

The State of Maharashtra

Respondent

Mr.Rajendra S. Bidkar, Advocate for applicant.

Mr.S.R.Agarkar, APP, for State.

Police Inspector Kothmire, Mira Road Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 9th September 2021

PC :

1. The applicant is apprehending arrest in CR No.244 of 2021 registered with Mira Road Police Station for offences under Sections 8(C), 20(B) of Narcotic Drugs and Psychotropic Substances Act. The FIR was registered on 15th July 2021.

2. The case of prosecution is that the accused no.1 was found in possession of Ganja weighing about 229 grams. On the basis of disclosure made by him, the accused no.2 was arrested. The FIR indicate that contraband was purchased from the applicant and one more person.

3. Apprehending arrest in connection with the aforesaid FIR, the applicant had preferred anticipatory bail application before the Court of Sessions, which has been rejected by order dated 10th August 2021.

4. Learned advocate for applicant submitted that the applicant has been falsely implicated in this case. The contraband was found in possession of accused who was arrested on the spot. Although name of the applicant is reflected in the FIR, the allegations are vague. The ganja involved in the crime is already recovered. Merely on suspicion the applicant cannot be subjected to custody. With the nature of material relied upon by the prosecution, the applicant should not be arrested and subjected to custodial interrogation. Reliance is placed on the judgment and order of Punjab and Haryana High Court in case of Daljit Singh Vs. State of Haryana (CRM-M No.12997 of 2020, decided on 16.7.2021) and it is contended that in the said case there was recovery of contraband from the accused who were arrested and the applicant therein who was bound to be arrested on the basis of information provided by the co-accused, the Court was pleased to allow said application.

5. Learned APP submitted that there is material to show the complicity of applicant in the crime. He has been named in the FIR. The CDR indicate that applicant and the co-accused who were arrested, had telephonic conversation. Investigation is in progress. In the past two other cases were registered against applicant at Navghar Police Station being CR No.26 of 2020 for offence u/s.8(C), 20 of NDPS Act and with Dahisar Police Station being CR No.24 of 2019 for offences u/s.8(C), 27 of NDPS Act.

6. It is apparent that the co-accused was found in possession of ganja. The involvement of applicant was disclosed immediately. Name of the applicant is reflected in the FIR as a person at whose instance the arrested accused were in possession of contraband and

indulging in sale thereof. The prosecution is also relying upon CDR which indicate the complicity of applicant in this offence. He is also involved in similar cases in the past. In the light of the material showing involvement of applicant, the decision relied upon by learned counsel for applicant is not applicable in present case. Hence, no case is made out for grant of anticipatory bail. Hence, the Anticipatory Bail Application is rejected.

(PRAKASH D. NAIK, J.)

MST