

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

CRIMINAL APPLICATION (ABA) No. 555/2021

(Manoj s/o Bisram Rahangdale Vs. State of Maharashtra)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. R.M. Daga, Advocate for the applicant.
Mr. H.D. Dubey, APP for the non-applicant/State.

CORAM : VINAY JOSHI, J.

DATED : 08-10-2021

1. Heard.
2. In anticipation of arrest in Crime No.175/2021, registered with the Police Station Railway (G.R.P.) District Nagpur for the offence punishable under Section 21 (B) and 29 of the Narcotic Drugs and Psychotropic Substances Act (NDPS), the applicant is praying for pre-arrest protection.
3. The applicant has also prayed for grant of interim protection.
4. It is the prosecution that on 2.6.2021 Railway Police have found one unclaimed sack lying in the railway compartment. On inspection Brown sugar weighing 21.49 grams was found. On the basis of CCTV footage, police have arrested accused no.1 - Arshad. During interrogation, he disclosed name of accused no.2 Jyoti who in turn disclosed the name of one Prakash. It is the prosecution that the applicant was having

telephonic conversation with Prakash.

5. The State while resisting the bail application, submitted that co-accused Prakash has assigned role to the applicant. In response, the learned counsel for the applicant would submit that the statement of co-accused is inadmissible.

6. Considering the nature of accusation, it is prima facie evident that neither contraband was seized from the applicant nor there is material to show his direct nexus. Moreover, there are no antecedents against the applicant of any nature including similar type of offences.

7. Considering all these aspects, the applicant's liberty can be protected on certain terms. Hence, I pass the following order:-

- (i) The application is allowed.
- (ii) Ad-interim order dated 27.8.2021 is hereby made absolute upon the same terms and conditions.
- (iii) Henceforth, the applicant shall attend concerned Police Station on every Sunday in between 11.00 a.m. to 02.00 p.m. till filing of charge-sheet or for the period 60 days, whichever is earlier.

JUDGE