

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

CRIMINAL APPLICATION (BA) NO.1119 OF 2021

(Chandabai Pocham Zade Vs. State of Maharashtra thr. PSO PS Ballarpur, Dist.
Chandrapur)

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

Court's or Judge's orders.

Mr. C. B. Barve, Advocate for Applicant.
Mr. N. S. Rao, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.
DATE: 8th DECEMBER, 2021.

The applicant is arraigned as accused in Crime 646/2021 registered with Police Station Ballarpur, District Chandrapur for offences punishable under Sections 8-C, 20(b), 20(d)(ii)(C) of the Narcotics Drugs and Psychotropic Substances Act, 1985 (NDPS Act).

2. The gist of the prosecution case is that pursuant to secret information received trap was laid near the Prince Dhaba, Bamhani "T" point on Rajura Road and a four wheeler in which the applicant and the co-accused were travelling, was intercepted. Search of the vehicle led to discovery of *ganja* weighing 25.144 Kg., which is more than commercial quantity.

3. The submission canvassed is that the applicant was a gratuitous passenger. She had gone to Begumpalli to pray in a Church and on the way back to Chandrapur she

boarded the vehicle, without being aware that *ganja* was being transported. In short, the submission is that she was not in conscious possession of the contraband.

4. Scrutiny of the charge-sheet reveals that the applicant is a habitual offender in the sense that several prosecutions under the Prohibition Act are registered. She is a resident of Chandrapur and her defence that she had gone to Begumpalli to pray in Church, is *prima facie* incredible.

5. At this stage, it would be difficult to record a satisfaction that the applicant is not involved in the offence under the NDPS Act.

6. In this view of the matter, I am not inclined to grant bail.

7. The application is dismissed.

JUDGE

NSN