

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

CRIMINAL APPLICATION (BA) NO.1269/2021

Aas Mohd. s/o Mohd. Shakur

..VS..

State of Mah., thr.PSO Butibori (Nagpur Rural), District Nagpur

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

Court's or Judge's Order

.....
Shri N.D.Dawda, Counsel for the Applicant.
Ms T.H.Udeshi, Addl.P.P. for the State.

CORAM : V.M.DESHPANDE, J.
DATED : DECEMBER 06, 2021.

1. This is an application for grant of regular bail.
2. Heard learned counsel Shri N.D.Dawda for the applicant and learned Additional Public Prosecutor Ms T.H.Udeshi for the State.
3. The applicant is arrested in Crime No.289/2021 registered with Butibori Police Station (Rural), District Nagpur for offences punishable under Sections 20 and 22 of the Narcotic Drugs and Psychotropic Substances Act.
4. Though this case is coming for the first time, after having gone through contents of chargesheet, I am of view that even without issuing Notice to the non-applicant/State, the application can be decided.
5. Learned counsel for the applicant opened his argument and argued his case. During his argument, when the Court expressed its opinion that the Court is rejecting the

application, he submitted that the matter be adjourned for giving an opportunity to his other Advocate Shri A.M.Jaltare to argue the matter.

6. It is really surprised that initially learned counsel Shri N.D.Dawda for the applicant did not make any statement either to pass over or to adjourn the matter. He argued the matter straight way and when he found that the Court is not with him, he sought adjournment which is impermissible.

7. In this case, chargesheet is already filed.

8. According to learned counsel for the applicant, the applicant was not aware that in motor vehicle, which he was driving, when it was intercepted, it was having commercial quantity of ganja.

9. It is to be noted here that the applicant was alone in the vehicle and he was driving the same and he was coming from Delhi and proceeding to Nagpur.

10. The applicant is having knowledge or not that the vehicle/car was containing contraband, is a matter of evidence. However, since the applicant was driving the vehicle, there was no co-passenger and at the time of interception of the vehicle, 68 kilograms of contraband was found.

11. Further, the applicant is a resident of State of Uttar Pradesh and, therefore, learned Judge below was right in rejecting his application on that count also and that securing of his presence will be very difficult.

12. In this view of the matter, *prima facie* case is

.....3/-

made out against the applicant. Hence, the criminal application is **rejected** and **disposed** of accordingly.

JUDGE

!! BRW !!
BHUSHAN
RANA
WANKHEDE

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