

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 593 OF 2022

1. Bhavlal @ Chingya Devchand Jarhade
 2. Sachin Sahebrao Vinchal
- ... Applicants

Versus

The State of Maharashtra

... Respondent

....

Mr. B. R. Kedar, Advocate for applicants

Mr. S. P. Sonpawale, APP for respondent - State

....

CORAM : R. G. AVACHAT, J.

DATED : 20th JULY, 2022

PER COURT :-

This is an application for bail under Section 439 of the Code of Criminal Procedure. The applicants have been arrested in connection with Crime No.0449/2021, registered with Mantha Police Station, District Jalna, for the offence punishable under Section 20 of the Narcotic Drugs and Psychotropic Substances Act.

2. Heard. Perused the First Information Report (FIR) and related papers.

3. The learned Advocate for the applicants would submit that except a statement of co-accused, there is no material to connect the applicants with the offence in question.

4. The learned APP would, on the other hand, submit that there is huge quantity of Ganja was recovered. It is the case of conspiracy. There can't be direct evidence thereof. The contraband Ganja was being transported at the instance of the applicants herein. He, therefore, urged for rejection of the application.

5. Considered the submissions advanced. Perused the FIR and the related papers. The FIR has been lodged by the Police Sub Inspector, Mantha Police Station. A truck bearing registration number MH-21-BH-1758 was proceeding along Jintur Mantha road. The Police Station Officer had received a tip-off contraband Ganja being transported in the truck. It was, therefore, decided to lay a trap. The truck was found near Hotel Indian at Karnawal Pati. Co-accused Govind Hiralal Chanda and Badal Hiralal Chanda were the drivers on the truck. A search of the truck was made to find therein 12 nylon bags containing Ganja of 3 quintal 7 kg and 280 gm. The same therefore came to be seized. On inquiry with the truck drivers, the names of the present applicants surfaced.

The involvement of the present applicants in the alleged crime came to light on the statements of the truck drivers (co-accused). The same is inadmissible in evidence. The learned APP could not point out any other material indicating the involvement of the applicants in the crime in question. The application, therefore, deserves to be allowed. Hence, following order:

ORDER

- (i) The Bail Application is allowed.
- (ii) The applicants be released on bail in connection with Crime No.0449/2021, registered with Mantha Police Station, District Jalna, for the offence punishable under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, on their executing P. R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) each with surety bond each of the like amount.
- (iii) The applicants shall not tamper with the prosecution evidence.

[R. G. AVACHAT, J.]