

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

BAIL APPLICATION NO.1114 OF 2022

Vijaykumar Shravan Madnure

... **APPLICANT**

VERSUS

The State of Maharashtra

... **RESPONDENT**

.....
Mr. S.G. Jadhavar, Advocate for applicant
Mr. N.T. Bhagat, A.P.P. for respondent – State
.....

CORAM : R. G. AVACHAT, J.

DATE : 7th SEPTEMBER, 2022.

PER COURT :

Heard. This is an application for bail under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.0368/2020, registered at Tuljapur Police Station, District Osmananabad for the offence punishable under Sections 20(b)(ii)(c), 29 and 8(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. As per the case of the prosecution, 62 Kgs. of Ganja was found in tempo bearing No.KA-39/8859 on 2/11/2020. As per the case of the prosecution itself, the

driver of the tempo ran away when it was intercepted. The applicant was in the tempo when it was intercepted. According to the learned counsel for the applicant, the applicant was travelling as a gratuitous passenger. He could not be attributed with conscious possession of the contraband articles.

3. On close scrutiny of the police papers, it appears there is non-compliance of mandatory provisions of Section 42 of the Narcotic Drugs and Psychotropic Substances Act. Although it is a question of fact, there is no prima facie material to indicate its compliance. The applicant is in jail for little over one and a half year. The charge has not yet been framed. This Court is, therefore, inclined to grant the applicant bail. Hence the order :

ORDER

(i) The Bail Application is allowed.

(ii) The applicant be released on bail in connection with Crime No.0368/2020, registered at Tuljapur Police Station, District Osmananabad for the offence punishable under Sections 20(b)(ii)(c), 29 and 8(C) of the Narcotic Drugs and

Psychotropic Substances Act, 1985 on his executing P.R. bond in the sum of Rs.15,000/- (Rupees fifteen thousand) with one surety in the like amount.

(iii) The applicant shall not tamper with the prosecution evidence.

(R. G. AVACHAT, J.)

fmp/-