

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

916 BAIL APPLICATION NO.1667 OF 2022

Akram Pathan Ayub Pathan,
Age; 22 years, Occ; Labour,
R/o; Shivaji Nagar, Selu,
Tq. Selu, Dist. Parbhani.

...Applicant.

VERSUS

The State of Maharashtra,
Through Police Inspector,
Selu Police Station, Tq. Selu,
Dist. Parbhani.

...Respondent.

...
Advocate for Applicant : Mr.Nirmal Ravindra
APP for Respondents-State : Mr.K.S.Patil
...

CORAM : S. G. MEHARE, J.
DATE : 22.11.2022.

PER COURT :

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.

2. The applicant has been arrested only on the ground that he was found in the house, where the contraband/cannabis were found. It is not in dispute that where the contraband/cannabis were found, was the house owned by one co-accused namely Shaikh Akbar Shaikh Rajjak.

3. The prosecution's case is that since the applicant was present nearby the contraband/cannabis, he was in conscious possession. Apart from this, the prosecution has no evidence that he is involved in the business or was a partner of the co-accused.

4. Considering the role attributed to the applicant, it will be difficult to accept that the applicant was in conscious possession of the contraband/"Cannabis". The material investigation against the applicant has been completed. It would not be inappropriate to keep the applicant behind bar. Hence following order :

ORDER

a. The application is allowed.

b. The applicant Akram Pathan Ayub Pathan, be released on bail on his furnishing P.B. & S.B. of Rs. 50,000/- (Rs. Fifty Thousand Only), with one solvent surety in the like amount, in Crime No. 105 of 2022, registered with Selu Police Station, Tq. Selu, District; Parbhani for the offence punishable under Sections 8(c), 20(b)(ii)(A), 20 of the Narcotic Drug and Psychotropic Substance Act, 1985, on conditions that (i) he shall not involve in the similar crime, (ii) If in future the applicant appears involved in similar crime, the prosecution is at liberty to file application for cancellation of bail and (iii) he shall not avoid the trial.

(S. G. MEHARE)
JUDGE