

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

933 BAIL APPLICATION NO.1845 OF 2022

MAROTI RAMRAO GOLEGAVE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Salunke Sudarshan J.
APP for Respondent-State : Mr. K. S. Patil.
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CORAM : S. G. MEHARE, J.
DATE : 30.11.2022

PER COURT :-

1. Heard the learned counsel for the applicant and learned APP for the respondent-State
2. Learned counsel for the applicant would submit that the car, on which the applicant was sent to drive, was hired by the accused, who fled away from the spot of the incident. The applicant was totally unaware about the goods carried in the said car. The applicant was not the employee of the co-accused. He was the 'Badli Driver'. Hence, the applicant was not in conscious possession of the contraband. Besides this, the compliance of Section 50 of the N.D.P.S. Act has not been done by the police. The applicant is languishing in jail since

September 2021. There are no antecedents to his discredit. Hence, he may be released on bail.

3. Learned APP has strongly opposed the application. He would submit that the applicant was well aware about the goods carrying in the car, but he did not discharge his duty as a prudent citizen to inform the police. Therefore, it cannot be said that he had no conscious possession over the contraband. The offence is serious. Hence, the application may be dismissed.

4. Perused the papers. It is not in dispute that the applicant was driver at the vehicle involved at the relevant time. The prosecution has no material to show that he was a direct employee of the main accused, who was allegedly carrying the contraband in the said car. The contraband was sealed in plastic cover, hence, it can't be said that he had knowledge about the material in sealed pack. Normally, the driver has no concern with the goods carried in the vehicle, when it is hired. On this ground itself, the applicant may be granted bail. Hence, the following order :

ORDER

- (i) Bail Application is allowed.

(ii) Applicant **MAROTI RAMRAO GOLEGAVE** be released on bail on furnishing P.B. and S.B. of Rs.25,000/- (Rupees Twenty Five Thousand only) with one solvent surety of the like amount, in Crime No.405 of 2021, registered by Police Station Pathri, District Parbhani, for the offence punishable under Section 8(C), 20, 29 of the N.D.P S. Act, on the following conditions :

- (a) He shall attend the trial on each and every material date.
- (b) He shall furnish his permanent residential address to the police.

(S. G. MEHARE, J.)

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vmk/-