

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1475 OF 2022

Shivprasad Suresh Changate ...Applicant
Versus
The State Of Maharashtra And Another ...Respondents

ALONG WITH
ANTICIPATORY BAIL APPLICATION NO.1477 OF 2022

Darshan Vijaysi Ramaiya ...Applicant
Versus
The State Of Maharashtra And Another ...Respondents

ALONG WITH
ANTICIPATORY BAIL APPLICATION NO.1517 OF 2022

Ganesh Abalchand Vetel ...Applicant
Versus
The State Of Maharashtra And Another ...Respondents

Mr. A.K. Bhosle, Advocate for the applicant in Application No. 1475/2022.

Mr. Akshay Lohade h/f. Mr. S.G. Ladda, Advocate for applicant in Application No. 1477/2022.

Mr. Sohail Subhedar h/f. Mr. N.S. Ghanekar, Advocate for the applicant in Application No. 1517/2022.

Mr. V.S. Badakh, APP for respondents.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 15th DECEMBER, 2022

ORDER :

1. The applicants in these applications are pharmacist and are running medical shops, after obtaining appropriate license. The applicants are apprehending their arrest in Crime No. 723/2022 registered with Rahuri Police Station, for the

offences punishable under sections 328, 420, 276 read with 34 of the Indian Penal Code, under section 18-A, 18-C, 22(CCa), 27(B)(ii) and 28 of the Drugs and Cosmetics Act and under sections 21, 21(B), 22, 22(A), 22(B) of Narcotic Drugs And Psychotropic Substances, Act, 1985.

2. First Information Report is lodged by Drug Inspector, Food and Drugs Department, alleging recovery of huge quantity of prohibited drugs from three accused named in the First Information Report. It is alleged by the prosecution that during the course of interrogation name of the applicants are disclosed.

3. Heard the learned advocates for the applicants and learned Additional Public Prosecutor for respondents. Perused the investigation papers.

4. It is a matter of record that the applicants were earlier arrested in Crime No. 194/2022 registered with Waluj Police Station, Aurangabad, for the offences punishable under sections 328, 276 read with 34 of the Indian Penal Code, wherein similar allegations are levelled. At that time, small quantity of prohibited drugs were found in the shops of

applicants. The applicants were remanded to police custody and thereafter, after a period of about two months they were granted regular bail.

5. Learned Additional Public Prosecutor strenuously opposed the applications contending that custody of the applicants is necessary for interrogation, as there is every possibility that a racket is involved in the present crime. On query, learned Additional Public Prosecutor concedes that shops of the applicants were raided, after their names were disclosed by co-accused and no prohibited drugs were found in their shops.

6. Prima facie, at this stage, possibility cannot be ruled out that since applicants were involved in the earlier crime, they are implicated in the present crime. Investigation is almost complete. The applicants were granted interim protection and they have co-operated in the investigation. In these facts, pre-trial custodial detention of the applicants is not warranted. The applications therefore deserve to be allowed.

7. In the result, applications are allowed

8. In the event of arrest of applicants in Crime No. 723/2022 registered with Rahuri Police Station, for the offences punishable under sections 328, 420, 276 read with 34 of the Indian Penal Code, under section 18-A, 18-C, 22(CCa), 27(B)(ii) and 28 of the Drugs and Cosmetics Act and under sections 21, 21(B), 22, 22(A), 22(B) of Narcotic Drugs And Psychotropic Substances, Act, 1985, they shall be released on executing P.B. and S.B. of Rs. 15,000/- each with one surety each in the like amount.

9. Till filing of charge sheet, the applicants shall attend the concerned police station, as and when called by the investigating officer. The applicants shall co-operate in the investigation. The applicant shall not indulge in similar offence. The applicants shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI, J.]