

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1024 OF 2022

Kishor Kisanrav Jejurkar .. Applicant.
v/s.
The State of Maharashtra .. Respondent.

Mr. Mithilesh Mishra i/b. Mr. S. R. Mate, for the Applicant.
Mr. P. H. Gaikwad, for the Respondent.

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CORAM: VINAY JOSHI, J.
DATED : 18th APRIL, 2022.

P. C.:

In anticipation of arrest in Crime No. 49 of 2022 registered with Lonikund Police Station, Pune for the offences punishable under Section 8 (c) and 20 (b) (ii) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (the said 'Act'), the applicant is seeking for pre-arrest bail.

2 Amongst usual grounds, the applicant submitted that the contraband articles were seized from co-accused. The applicant has been falsely implicated on mere suspension. There is no material against the applicant nor there are antecedents.

3 The State resisted bail by submitting that the applicant used to sell contraband articles. He was in constant touch with the co-accused from whom commercial quantity of ganja was seized. According to State, the applicant is in contact with the persons who are habitually indulging in to contraband business.

4 The applicant's learned Counsel would submit that the material produced by the prosecution is inadequate. The statement of co-accused is inadmissible. In order to support said contention, reliance is placed on the decision of Supreme Court in case of Seesh Singh @ Mor v/s. State of Punjab (Criminal Appeal Nos.822 of 2020) decided on 2nd December, 2020 and orders passed by this Court in case of *Latabai Tarahand Malkekar v/s. The State of Maharashtra (ABA No.840 of 2022)* and *Samir Abdul Jabbar Shaikh v/s. The State of Maharashtra (ABA No. 369 of 2022)*. Basically, applicant is seeking pre-arrest protection. Section 37 of the said Act imposes stringent conditions for grant of bail. The police paper indicates that huge quantity of ganja weighing 128 kgs. was seized from co-accused – Kailash Pawar. Statement of some of the witnesses indicates that applicant was in contact with the persons indulged in to contraband business. Particularly, statement of applicant's driver – Deepak was recorded who stated that the applicant is doing business of sale of ganja. The police have produced an extract to CDR, indicating that applicant was in constant touch with the co-accused – Kailash Pawar.

5 The alleged offence is of serious nature. The offence is against society and would affect the health of youth. Therefore, investigation is required to reach to the truth. Existing material, prima facie, discloses the involvement of applicant in alleged crime. Custodial interrogation is necessary to unearth the racket of indulging in to contraband business.

6 In view of above, it is not a fit case to grant pre-arrest bail. Hence, application stands rejected.

(VINAY JOSHI, J.)