

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2148 OF 2021

Ashokkumar Dindayal Yadav

..Applicant

V/s.

The State of Maharashtra

..Respondent

Mr. Aniket U. Nikam i/b. Mr. Vivek N. Arote, for the Applicant.

Ms. M. R. Tidke, APP for the Respondent/State.

PSI Jayesh M. Gangurde, Nashik City Police Station.

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CORAM : C.V. BHADANG, J.
DATE : 28 MARCH 2022

P.C.

. By this Application, the Applicant (Accused No.4) is seeking release on bail in Crime No.171/2020 of Police Station Nashik Road, Nashik, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act).

2. The prosecution case is that on 6 March 2020, on a prior information, a raid was conducted at about 7.00 p.m. near Railway Gate at Waldevi bridge. In the said raid and search, 896 gms of *cocaine* worth Rs.89,60,000/- was recovered from the possession of the Accused No.1 Manojkumar Jaiprakash Yadav.

Accused No.2 Sahebjan Sabidali Shaikh and Accused No.3 Nitin Sopanrao Khodke had come on the spot subsequently. During the course of interrogation and investigation, it was revealed that the contraband was supplied by the present Applicant. In this case, after investigation, a chargesheet is filed before the learned Special Court at Nashik.

3. I have heard the learned counsel for the parties. Perused record.

4. It is submitted by the learned counsel for the Applicant that there is no recovery of any contraband from the present Applicant and his name figured only on the basis of the statement of the co-accused which is not admissible. It is submitted that Accused Nos.2 and 3 have been released on bail by the learned Special Judge.

5. This Application was adjourned in order to enable the learned APP to take instructions. Today, the learned APP, on instructions from the Investigating Officer, states that there is no recovery of any contraband from the Applicant and it is also fairly accepted that the name of the Applicant only figured in the interrogation of the co-accused.

6. The learned counsel for the Applicant has submitted that there are no criminal antecedents against the Applicant of showing involvement in similar offence under the NDPS Act, which is not disputed on behalf of the prosecution.

7. In that view of the matter, the following order is passed.

ORDER

- (i) The Criminal Bail Application is allowed.
- (ii) The Applicant Ashokkumar Dindayal Yadav, be released on bail in Crime No.171/2020 of Police Station Nashik Road, Nashik, on executing a P.R. Bond in the sum of Rs.25,000/- with two solvent sureties in the like amount, out of which one shall be a local surety.
- (iii) The Applicant shall undertake to remain present before the learned Special Judge during the course of trial, unless exempted.
- (iv) The Applicant shall furnish his parmanent native place address alongwith proof to the satisfaction of the learned Special Court.
- (v) The Criminal Application is disposed of, in the aforesaid terms.

(C.V. BHADANG, J.)