

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Criminal Application (BA) No. 158 of 2022

Digambar Prabhakar Wakte

Versus

State of Maharashtra, through Police Station Officer, Police Station Pinjar,
Tah. Barshitakli, Dist. Akola

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A.D.Girdekar, Advocate for the applicant.

Shri A.M. Deshpande, APP for the State / Non-applicant

CORAM : ANIL S. KILOR, J.

DATED : 10th JUNE, 2022.

The applicant is seeking bail under Section 439 of the Code of Criminal Procedure in Crime No. 0251 of 2021 dated 23rd July, 2021 registered with Police Station Pinjar, Tah. Barshi, Dist. Akola for the offence punishable under Section 20(B), 20(B)(ii)(c), 8(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Learned counsel for the applicant submits that the quantity was commercial but it was recovered from the accused no.1 and not from the applicant. He further submits that after completion of investigation, chargesheet has already been filed, and as such the

custody of the applicant is no more required. Accordingly, he prays for grant of bail.

3. On the other hand, learned Additional Public Prosecutor opposed the application and submits that the main accused was driving the motor-cycle and the applicant was the pillion rider and ganja was found in a gunny bag loaded on the motorcycle, therefore, it cannot be said that it was recovered from the accused no.1 and not from the accused no.2. Accordingly, he submits that application may be rejected.

4. I have perused the chargeheet and the contents of the First Information Report.

5. It can be seen that both the accused nos. 1 and 2 were going on the motor-cycle when they were intercepted by the police and contraband material was seized from them. It was the ganja admeasuring 24.338 kilogram. Admittedly, quantity is commercial quantity and from the material available in the chargesheet there is no reasonable ground to believe that the applicant is not involved in the alleged offence. In that view of the matter, I am not inclined to grant bail. Accordingly, I pass the following order.

i. Criminal application is rejected.

[ANIL S. KILOR, J.]