

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

Anticipatory Bail Application No. 207 of 2022

Rajendra S/o Rajabhau Kirad

Versus

State of Maharashtra, through Police Station Officer, Police Station
Koradi, Nagpur

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

Court's or Judge's Order

Shri S.D.Sudame, Advocate for the applicant.

Shri S.A.Ashirgade, APP for the non-applicant.

CORAM : ANIL S. KILOR, J.

DATED : 11th APRIL, 2022.

The applicant is seeking pre-arrest bail in Crime No. 55 of 2022 registered with Police Station Koradi, Nagpur relating to offence under Narcotic Drugs and Psychotropic Substances Act, 1985 (in short NDPS Act, 1985) more particularly Sections 8(c), 20(b)(2), 29 of NDPS Act, 1985.

2. Learned counsel for the applicant submits that the name of the applicant is not mentioned in the First Information Report and on the statement of co-accused, the applicant has been falsely implicated as

accused. It is submitted that on the statement of co-accused the name of the applicant cannot be impleaded. It is further submitted that he has been falsely implicated in the alleged offence.

3. On the other hand, learned Additional Public Prosecutor points out from the case diary that there are as many as 18 similar offences registered against the applicant. He, therefore, prays that if the applicant is released on bail, he may repeat the same offence.

4. Learned counsel for the applicant in reply submits that the statement of learned APP is not correct that 18 offences registered against the applicant. He points out that 16 offences are registered against the applicant and not 18.

5. I have perused the case diary and also contents of the First Information Report. The First Information Report was lodged on 16th February, 2022. On the same day, 3.580 kg contraband Ganza was seized and the statement was recorded, thereafter the offence was registered against the applicant and other accused persons.

6. I am conscious of the law that criminal antecedents cannot be taken into consideration unless some incriminating material is there in the alleged offence. In this case, there is incriminating material available on record to show involvement of the applicant and therefore as an additional factor i.e the criminal antecedents of the applicant are relevant in this case.

7. In the circumstances, I am not inclined to grant pre-arrest bail and accordingly, I pass the following order.

ORDER

- i. Criminal application is rejected.

[ANIL S. KILOR, J.]

SACHINDANAND
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by
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