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

CRIMINAL APPLICATION (APL) NO. 650/2022
Sagar Rajendra Shinde...Versus...State of Maharashtra

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr. M.N.Ali, Advocate for applicant
Mr. A.R.Chutke, Advocate for RespondentState

CORAM : AVINASH G. GHAROTE, J.
DATE : 04/05/2022

1] Heard Mr. Ali, learned counsel for the applicant and Mr. Chutke, learned APP for respondent/State.

2] The application seeks relaxation of condition no. (iii) in the operative part of the order dated 1.2.2022 passed by the Additional Sessions Judge, Yavatmal (pg.26).

3] It is contended by the learned counsel for the applicant that condition no. (iii) is onerous and therefore, ought to be relaxed, as the applicant is ready to furnish a solvent surety to the extent of aforesaid amount of Rs.4,00,000/- instead of cash security which has been ordered by the learned Sessions Court. Reliance is placed upon **Dinesh Bhaktani vrs. Collector, 2016 ALL MR (Cri) 4177**.

4] It is material to note that the vehicle has been seized on 18.8.2021 in Crime No. 282 of 2021 for the offence

punishable under Sections 20(c), 22(c), 25 and 29 of the NDPS Act and 190.14 Kg of Ganja was found in the said vehicle. What is also material is that the applicant is not the owner of the said vehicle. The owner of the vehicle is claimed to be one Yogiraj Dhamdhere from whom one Sachin Somwanshi is claimed to have taken it on hire for a period of one month on 20.7.2021, on which date Sachin Somwanshi in turn is claimed to have given it on hire to the present applicant, who in turn is claimed to have given it on hire to the accused in Crime No.282/21. Thus the applicant is not even the registered owner of the said vehicle, which is involved in the serious offence, considering which I do not find any infirmity with the conditions imposed by the learned Court below. The facts in **Dinesh** (supra) were totally different inasmuch as the vehicle therein was seized for the offence under Sections 3 & 7 of Essential Commodities Act and Sections 109 and 186 of the IPC. The application is therefore rejected.

JUDGE

Rvjalit

Digitally sign byRAJESH VASANTRAO JALIT
Location:
Signing Date:04.05.2022 18:05