

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

Criminal Application (BA) No. 738 of 2022

Rahul S/o Gotiram Sable

Versus

The State of Maharashtra, through Police Station Officer, Police Station
Risod, Tq. Risod, Dist. Washim

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

Court's or Judge's Order

Shri Anilkumar J. Thakkar, Advocate for the applicant.

Shri T.A. Mirza, APP for the State / Non-applicant

CORAM : ANIL S. KILOR, J.

DATED : 20th JULY, 2022.

The applicant is seeking bail under Section 439 of the Code of Criminal Procedure in Crime No. 752 of 2021 registered with Police Station Risod for the offence punishable under Sections 8(c), 20(b)(ii) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Shri Thakkar, learned counsel for the applicant submits that initially the offence was registered against the four accused persons. However, subsequently the applicant was arraigned as accused on a statement of co-accused that the applicant has financed the accused persons to purchase the contraband. He submits that accused no.1 Gotiram is the father of the applicant and giving money to the

father is not an offence. He, therefore, submits that he has been falsely implicated in the alleged offence.

3. He further submits that as there is nothing except the above referred allegations, there is a reasonable ground to believe that the applicant is not guilty of the alleged offence. Accordingly, he prays for grant of bail.

4. On the other hand, learned Additional Public Prosecutor strongly opposed the application and submits that the case of the applicant cannot be accepted that he had financed his father without knowing the purpose, because there are criminal antecedents against the applicant of similar nature.

5. It is further submitted that Investigating Officer has collected, incriminating material against the applicant, which sufficiently shows his involvement. Accordingly, he prays for rejection of the present application.

6. I have perused the chargesheet and the First Information Report.

7. In this case the contraband seized by the police is a huge quantity i.e. 11 quintal 50 kilogram amounting to Rs. 3,45,00,000/-.

8. The allegations against the applicant is that he paid Rs.5,50,000/- on 15th September, 2021 from his

three bank accounts to his father, the accused no.1 to purchase the contraband.

9. In the cause title of this application, the occupation of the applicant is shown as 'labour'. Thus, considering the occupation of the applicant coupled with the number of bank accounts he holds and total amount paid by him, it creates doubt about the version of the applicant that he is not involved in the alleged offence and that he paid the amount to his father without knowledge about the purpose.

10. The above referred facts coupled with the facts that there are criminal antecedents of similar nature show that there is no reasonable ground to believe that the applicant is not guilty.

11. Thus, in that view of the matter and considering the seriousness of the offence, I am of the opinion that the applicant is not entitled for grant of bail. Accordingly, I pass the following order:

i. The criminal application is rejected.

[ANIL S. KILOR, J.]

SACHINDANAND
K NAIR

Digitally signed
by
SACHINDANAND
K NAIR
Date: 2022.07.20
17:49:19 +0530