

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

CRIMINAL APPLICATION (BA) NO. 800 OF 2022

Nararyan s/o Dipkar Shahu **Versus** State of Maharashtra, thr. Railway Police Station, 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. Chande, counsel for the applicant.

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

CORAM : ANIL S. KILOR, J.

DATED : 10/08/2022

1. The applicant is seeking bail in connection with Crime No. 526/2021, dated 11/11/2021, registered with Railway Police Station, Nagpur, for the offences punishable under Sections 8(c), 20(b)(ii), 27(a), 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as NDPS Act).

2. Learned counsel for the applicant submits that nothing has been recovered from the applicant and therefore, though the quantity of the contraband was found to be a commercial quantity, the applicant is not involved in the alleged offence, and as such he is entitled for grant of bail.

3. He further submits that, in this case, charge-sheet has already been filed and custody of the applicant is no more required for investigation.

4. On the other hand, Shri T.A.Mirza, learned APP strongly opposed the present application and submits that, from both the accused persons, contraband weighing 47 Kg,

465 Grams, was recovered and though the applicant has not arrested on the spot, however, he was at Nagpur Railway Station i.e. the spot of occurrence, as per the C.D.R. and other material collected by the Investigating Officer. He submits that the confessional statement was given by the applicant. Accordingly, he submits that, this is not a fit case for grant bail to the applicant.

5. I have perused the Charge-sheet and Case-diary.

6. The C.D.R. of the applicant's mobile, shows that at the relevant time, location of the applicant was Railway Station, Nagpur i.e. the spot of occurrence. Furthermore, the other incriminating material is there to show that the applicant is involved in the alleged offence. In addition to the same, confessional statement of the applicant is there.

7. In the light of the observations made by the Hon'ble Supreme Court of India in the case of *Narcotics Control Bureau vs Mohit Aggarwal*¹, the submission of the learned counsel for the applicant that, the applicant is in jail from last nine months and as the charge-sheet is filed and further custody of the applicant is not required, cannot be accepted. Accordingly, I pass the following order:

The criminal application is **rejected**.

[ANIL S. KILOR, J.]