

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

CRIMINAL APPLICATION (BA) NO.838 OF 2022

Mansur Shah Sardar Shah **Versus** State of Maharashtra, thr. D.G.P. Washim, LCB Washim.

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

Court's or Judge's Order

Shri S.V.Sirpurkar, counsel for the applicant.

Shri V.A.Thakre, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.
DATED : 19/08/2022

1. The applicant is seeking bail in connection with Crime No. 752 of 2021, registered with Police Station Risod Dist. Washim, for the offences punishable under Sections 8(c), 20(b)(ii), 27 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Learned counsel for the applicant submits that, only because the co-accused sent him the photographs of Ganja on his WhatsApp and C.D.R. shows that, there were some phone calls between the applicant and co-accused Rahul Sable, the applicant has been arraigned in this offence.

3. It is further submitted that, there are no criminal antecedents to the discredit of the applicant and the applicant has been falsely implicated in the alleged offence.

4. I have perused the Case-diary and the FIR.

5. The only ground to implicate the applicant in the alleged offence is that the co-accused Rahul Sable sent some photographs of contraband to the applicant and the C.D.R. reports show that, there were some calls between the applicant and the Rahul Sable. Except this material, nothing incriminating is collected against the applicant.

6. The applicant is in jail on 12/11/2021. Thus, considering the material available against the applicant to show his involvement, *prima-facie*, it does not support the case of the prosecution against the applicant. Thus, there is a reasonable ground to believe that, the applicant is not guilty of the alleged offence and since there are no criminal antecedents, there is further reasonable ground to believe that, if the applicant is released on bail, he will not commit the similar offence. Accordingly, I pass the following order:

- a) The criminal application is **allowed**.
- b) It is directed that in connection with Crime No. 752 of 2021, registered with Police Station Risod Dist. Washim, for the offences punishable under Sections 8(c), 20(b)(ii), 27 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, the applicant shall be released on bail on furnishing P.R. Bond of Rs.25,000/- with one solvent surety in the like amount.

- c) The applicant shall attend the concerned Police Station as and when his presence is required..
- d) The applicant shall not tamper with the prosecution witnesses.

The criminal application is **disposed of**, accordingly.

[ANIL S. KILOR, J.]