

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

CRIMINAL APPLICATION (BA) NO.891 OF 2022

Ganesh s/oKashinath Hinge **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 V.S. Giramkar, counsel for the applicant.

Shri S.D. Sirpurkar, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.
DATED : 26/08/2022

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) 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 one of the co-accused Mansur Shah Sardar Shah, who has been granted bail by this Court vide order dated 19.08.2022. Hence, he prays for grant of bail on the principle of parity.

4. It is further submitted that, as far as criminal antecedents to the discredit of the applicant is concerned, the applicant has been acquitted from the same.

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

6. The only ground to implicate the applicant in the alleged offence is that the co-accused sent some photographs of contraband to the applicant. Except this material, nothing incriminating is collected against the applicant.

7. The applicant is in jail on 20/11/2021. 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. As far as antecedent is concerned, the applicant has been acquitted from the same. Thus, there is further reasonable ground to believe that, if the applicant is released on bail, he will not commit the similar offence.

8. This Court, vide order dated 19.08.2022, granted bail to one of the co-accused, whose role is similar to the role of the applicant in the alleged offence, hence, I am of the opinion that the applicant is entitled for bail on the principle of parity. 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) 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.]