

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

CRIMINAL APPLICATION (ABA) NO. 591 OF 2022

Harikesh Madan Katilwar **Versus** State of Maharashtra, through P.S.O., PS Gittikhadan, Nagpur.

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

Court's or Judge's Order

Shri Pankaj Navlani, counsel for the applicant.

Shri A.R.Chutke, 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. 943 of 2021, registered with Police Station Gittikhadan, Nagpur, for the offences punishable under Sections 8(C), 20(b)(ii) (B) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (N.D.P.S. Act).

2. The learned counsel for the appellant submits that, two accused persons were arrested on finding that, they were in possession of intermediate quantity of contraband i.e. 3 kg and 257 grams of Ganja and on their statement that they purchased it from the present applicant, the applicant has been arraigned as accused.

3. It is submitted that, thus on a statement of co-accused, the applicant has been arraigned as accused, however, there is nothing except the statement of co-accused to show that, the applicant is involved in the said offence.

4. It is submitted that, there are no criminal antecedents of similar nature to the discredit of the applicant.

5. Lastly he submits that, in this case, as the charge-sheet has already been filed further custody of the applicant is not necessary. Accordingly, he prays for grant of pre-arrest bail.

6. On the other hand, learned APP strongly opposed the present application and submits that there are statements of co-accused who have disclosed the name of the applicant.

7. It is further submitted that, there are antecedents against the applicant and in view of the antecedents, it is submitted that the bail application may be rejected.

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

9. In this case, from the case-diary, it can be seen that Police have seized 3 Kg 257 gram Ganja from the accused Nos. 1 and 2, the quantity is intermediate quantity and during the inquiry they disclosed that they purchased it from the applicant.

10. Thus, on the basis of the statement of co-accused, the applicant has been arraigned as accused in this case. The case-diary does not show any recovery or anything incriminating against the applicant relating to the present offence. As far as the antecedents of the applicants are concerned, there is not a single case registered against

the applicant in the past, under the provisions of NDPS Act. Thus, there is no antecedents of similar nature.

11. The charge-sheet has already been filed after completion of investigation. Thus, in the above referred back-drop, I am of the opinion that the custodial interrogation of the applicant is not necessary. Accordingly, I pass the following order;

The criminal application is **allowed**.

The order granting ad interim anticipatory bail dated 05/08/2022, is hereby confirmed.

[ANIL S. KILOR, J.]