

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

CRIMINAL APPLICATION (ABA) NO.607 OF 2022

Sheikh Tasir Sheikh Ismail **Versus** State of Maharashtra, through P.S.O., P.S. Kalamb, Dist. Yavatmal.

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

Court's or Judge's Order

Shri M.N.Ali, Advocate for the applicant.

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

CORAM : ANIL S. KILOR, J.

DATED : 14/09/2022

1. The applicant is seeking pre-arrest bail in connection with Crime No. 436 of 2020, registered with Police Station Kalamb, District: Yavatmal for the offence punishable under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act')
2. Shri M.N.Ali, learned counsel for the applicant states that nothing has been recovered from the applicant. Whereas, a statement of co-accused is the basis to arraign the applicant as accused.
3. It is submitted that, there are no criminal antecedents against the applicant. Accordingly, he prays for grant of bail.
4. On the other hand, Ms Kalyani Deshpande, learned APP strongly opposed the present application and submits that 18.330 gram of Ganja was recovered from the

co-accused and in his statement, he has disclosed that he had to deliver the same to the applicant.

5. The learned APP submits that, there is sufficient material to show involvement of the applicant in the alleged offence. Accordingly, she prays for rejection of the present application.

6. I have perused the Case Diary and the application.

7. Except the fact that, though the co-accused has disclosed the name of the applicant, there is no incriminating material against the applicant. In addition to this, there are no antecedents to discredit of the applicant. In the circumstances, considering the character of evidence collected by the Investigating Officer against the applicant, I am of the opinion that, custodial interrogation of the applicant is not necessary. Accordingly, I pass the following order:

- a) The criminal application is **allowed**.
- b) It is directed that in the event of arrest in connection with Crime No. 436 of 2020, registered with Police Station Kalamb, District: Yavatmal for the offence punishable under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985, the applicant shall be released on bail on furnishing P.R. Bond

of Rs.15,000/- with one solvent surety in the like amount.

- c) The applicant shall attend the concerned Police Station on 19th September, 2022 till 24th September, 2022 between 10.00 a.m. to 12.00 noon and thereafter as and when his presence is required.
- d) The State is at liberty to apply for cancellation of bail, in case of breach of any condition or the applicant commits any similar offence.
- e) The applicant shall not tamper with the prosecution witnesses.

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

[ANIL S. KILOR, J.]