

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

CRIMINAL APPLICATION (ABA) NO.614 OF 2022

Sultan S/o Hanif Khan .Vs. State of Maharashtra, through P.S.O., P.S. Panchpaoli,
Nagpur

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

Court's or Judge's Order

Shri F.S. Chowdhari, Advocate for the applicant.

Shri A.R. Chutke, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 06/09/2022

1. The applicant is seeking pre-arrest bail in Crime No.1188 of 2021, dated 31.12.2021, registered with Police Station Panchpaoli, District: Nagpur, for the offences punishable under Sections 2, 8(c), 20(B), and 29 of the Narcotic Drugs and Psychotropic Substances, Act (hereinafter referred to as “NDPS Act”).

2. Shri Chowdhari, learned counsel for the applicant submits that no contraband was recovered from the applicant but on the statements of co-accused, the applicant has been arraigned as accused.

3. It is submitted that the applicant is no way connected with the alleged offence and he has been falsely implicated in the alleged offence. Accordingly, he submits that custodial interrogation of the applicant is not necessary.

4. On the other hand, Shri Chutke, learned APP strongly opposes the present application and submits that there are three cases registered in the past against the applicant under the NDPS Act. Thus, he submits that, the applicant is involved in similar offences. He therefore, prays for rejection of the present application.

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

6. From the FIR, it appears that 240 grams of Ganja was recovered from the co-accused. The quantity of Ganja is small and nothing was recovered from the applicant, but on a statements of co-accused, he has been arraigned as accused.

7. As far as the antecedents are concerned, those are of the year 2017. In last five years no case is registered against the applicant under the NDPS Act. In the above referred backdrop, 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 of the applicant in Crime No.1188 of 2021, dated 31.12.2021, registered with Police Station Panchpaoli, District: Nagpur, for the offences

punishable under Sections 2, 8(c), 20(B) and 29 of the NDPS Act, 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 as and when his presence is required.

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

[ANIL S. KILOR, J.]