

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

Criminal Application (BA) No. 1130 of 2022

Kishore S/o Mallaiah Edula

Versus

State of Maharashtra, through Police Station Officer, Police Station
Ramnaar, Chandrapur, Tq. & Dist. Chandrapur

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

Court's or Judge's Order

Shri Vijay N. Morande, Advocate for the applicant.
Ms. K.P.Deshpande, APP for the State / Non-applicant

**CORAM : ANIL S. KILOR, J.
DATED : 26th SEPTEMBER, 2022.**

The applicant is seeking bail under Section 439 of the Code of Criminal Procedure in Crime No. 295 of 2022 registered with Police Station Ramnagar, Dist. Chandrapur for the offence punishable under Sections 8(c), 20(b), 11(c), 29 of Narcotic Drugs and Psychotropic Substances Act.

2. In this crime there is no direct role attributed to the applicant. However, on a statement of co-accused i.e. accused no.1 who disclosed to the police during the investigation that the applicant had provided the name of supplier of Ganza who is from Orissa to

him. This is the only material on the basis of which the applicant has been arraigned as accused. Though the quantity of Ganza which was seized is commercial quantity, considering the role of the applicant, *prima facie* it can be said that there is no incriminating material against the applicant to show his involvement in the alleged offence.

4. Moreover, as far as criminal antecedents are concerned, i.e. crime no.262 of 2021 registered with Police Station Parkal, Dist. Warangal, ganza of 150 gram was recovered from one person who stated the name of the applicant. Except this, there are no antecedents against the applicant. In the circumstances, though learned Additional Public Prosecutor strongly opposed the application, I am of the opinion that applicant is entitled for grant of bail. Accordingly, I pass the following order.

- i) The Criminal Application is allowed.
- ii) It is directed that applicant shall be released on bail in Crime No. 295 of 2022 registered with Police Station Ramnagar, Dist. Chandrapur for the offence punishable under Sections 8(c), 20(b), 11(c), 29 of Narcotic Drugs and Psychotropic Substances Act, on his

furnishing P.R. Bond of Rs.25,000/- with a solvent surety in the like amount;

iii) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence.

iv) Liberty is granted to the State to apply for cancellation of bail, in case, the applicant repeats the offence or commits any serious offence.

[ANIL S. KILOR, J.]

SACHINDANAND
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