

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

22 CRIMINAL APPLICATION NO. 136 OF 2023
IN APEAL/136/2017

ASHOK S/O DEVIDAS JAGDHANE
VERSUS
DEVENDRA DINKARRAO DESHMUKH AND OTHERS

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Advocate for Applicant : Mr. K. F. Shingare
DSGI for Respondent No.4-UOI : Mr. A. G. Talhar
APP for Respondent No.5-State : Mr. Y. G. Gujarati
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CORAM : KISHORE C. SANT, J.
DATED : 02.03.2023

PER COURT :-

1. This is an application with a prayer that the godown of the applicant that was sealed in Crime No. NCB/BZU/CR-08/2012 and Special Case (NDPS) No. 2 of 2013 be de-sealed and its possession be given to the applicant.

2. The applicant is the owner and possessing one godown on plot no. M-199, MIDC Wajuj ad-measuring 1362.50 sq. mtrs. with a factory shade of approximately of 2500 sq. ft. The said godown was given on rent to respondent nos. 1 and 2 for use. It was found that respondent nos. 1 and 2 were using the said godown for illegal manufacture of ketamine, a psychotropic substance and were

supplying the same to their customers. The Narcotic Control Bureau visited the premises on 27.01.2023 and thereafter lodged the complaint. In the process, the godown came to be sealed.

3. The respondents were tried by the Additional Sessions Judge, Aurangabad and they were held guilty and were awarded punishment by the Additional Sessions Judge.

4. In the said trial, the present applicant was not an accused nor any connection was found with the illegal activities.

5. Respondent Nos.1 and 2 have already filed appeals in this court which are pending. Respondent nos. 1 and 2 are already released on bail by this Court pending the said appeals.

6. By the instant application the applicant is stating that now the purpose of seizure/sealing is over. The trial is already concluded and the accused persons are held guilty and against that, even appeals are pending before this Court. The godown is unnecessarily still kept in sealed condition and it is of no use even to the prosecution now to keep it in the said condition.

7. Considering this, a notice was issued to the respondents. Learned DSGI objected the application stating that the appeals are still pending in this Court and pending appeals, the application need not be allowed. He submits that this application can be decided at the stage of hearing of the appeals.

8. This Court finds that now the trial is over. There is nothing even remotely to show that it is this applicant who was also involved in the illegal activities of the accused persons. The godown was only given on rent to the accused persons. It is accused persons who carried illegal activities without knowledge of the applicant for which he cannot be held responsible. Under such circumstances, keeping the godown as it is, is in nobody's interest. This Court therefore finds that the application deserves to be allowed. Therefore, the application is allowed in terms of prayer clause "B" and disposed off accordingly.

[KISHORE C. SANT, J.]