

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 459 OF 2023

Javed Ismail Maniyar

Applicant

Versus

The State of Maharashtra

Respondent

Mr. A. S. Tilve, Advocate for the applicant.

Mr. S. P. Sonpawale, APP for the State.

CORAM : R. M. JOSHI, J.

DATE : 15th SEPTEMBER, 2023.

PER COURT :

1. Applicant is apprehending arrest in connection with Crime No. 0723/2022 registered with Rahuri Police Station, Tq Rahuri, Dist. Ahmednagar for the offences punishable under Sections 21, 21(b), 22, 22(a), 22(b), of Narcotic Drugs and Psychotropic Substances Act, Section 17-B(e), 18(A), 18(c), 22(Cca), 27(b)(ii), 27(c), 28 of Drugs and cosmetic Act and Section 328, 420, 276 read with Section 34 of Indian Penal Code.

2. First informant is the drug inspector. He has stated about conducting raid in the gala belonging to Ayub Hussain Shaikh. He claims that two persons were accosted at the spot. During

search, anti allergic medicines were found. Samples were obtained for the purpose of analysis.

3. Learned counsel for the applicant states that there is no evidence to connect applicant with this crime except for the alleged statement of co-accused which is not admissible in evidence. Thus, it is his submission that applicant be enlarged on anticipatory bail.

4. Learned APP opposed the application however on instructions from the Investigating Officer, it is submitted that except for the statement of co-accused, there is no other evidence to connect the applicant with the crime.

5. Needless to say that the statement of co-accused in the custody of police is not admissible in evidence. Apart from this alleged statement, there is no evidence of whatsoever nature to connect applicant with the crime in question. In such circumstances, liberty of applicant is protected in terms of the interim order. Applicant is directed to attend the concerned police station once in a week till filing of the charge-sheet.

6. Pending application, if any, does not survive and stands disposed of.

(R. M. JOSHI)
Judge

dwb