

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.919 OF 2023

**SHAIKH GAUS SHAIKH PASHA
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. Syed G.R.
APP for Respondent/State : Mr. Y.G. Gujarati

...
CORAM : S.G. MEHARE, J.

DATED : JUNE 21, 2023

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. The applicant is seeking bail in Crime No.46 of 2023 registered with Aundha Nagnath Police Station, District Hingoli for the offence punishable under Section 8(c), 20(b)(ii) and 29 of Narcotic Drugs and Psychotropic Substances Act.
3. The FIR reveals that the applicant was driving the vehicle in which the contraband was carried. It was the vehicle hired by the co-accused. As per the statement of the learned counsel for the applicant, the vehicle in which the contraband was carried, has also been released in the name of the applicant. Whether the applicant was in conscious possession of the contraband is a matter of evidence. There are no antecedents to the discredit of the applicant. He was

barely a owner cum driver of the vehicle in which the contraband was carried. In the facts and circumstances of the case and the role attributed to the applicant, the applicant deserve bail. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, Shaikh Gaus Shaikh Pasha, be released on bail on executing P.B. and S.B. of Rs.50,000/- (Rupees fifty thousand) with one solvent surety in the like amount in connection with the above crime, on the conditions that he shall not tamper with the prosecution witnesses.
- (iii) The applicant shall attend the trial on each effective date.

(S.G. MEHARE, J.)