

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1499 OF 2023

Datta Bhanudas Chinchole ...Applicant

Versus

The State of Maharashtra & Another ...Respondents

Mr. A. B. Jagtap, Advocate for the Applicants.

Mr. G. O. Watamwar, APP for Respondent – State.

CORAM : R.M. JOSHI, J.

DATE : SEPTEMBER 20, 2023

ORDER

1. Applicant apprehends arrest in connection with Crime No. 505 of 2022 registered with Omerga Police Station, Dist. Osmanabad for the offences punishable under Sections 20(A) of the Narcotic Drugs and Psychotropic Substances Act.

2. First informant is the police head constable attached to Omerga Police Station. According to him, secret information was received regarding cultivation of *Ganja* in the agricultural field at Thorlewadi, Tq. Omerga. Along with panch witnesses, police visited the said spot and it was found that *Ganja* has been planted in the crop of Soyabean. The said plants of *Ganja* were

removed and they found to be of 820 KG. It was revealed during the investigation that present Applicant is cultivating the said *Ganja*.

3. Learned Counsel for the Applicant submits that charge-sheet has been filed after investigation was complete and hence, application for pre-arrest bail be allowed. It is his further submission that considering the fact that the recovery is already done, his custodial interrogation is not necessary. It is also submitted that though it is alleged against present Applicant that there are criminal antecedents but he has been granted anticipatory bail in one of the said crimes.

4. Learned APP opposed the application by submitting that there are statements of witnesses which indicate that the present Applicant is one who was in possession of the land and used to cultivate *Ganja*.

5. For grant of anticipatory bail the seriousness of the crime is required to be considered by the Court. There is allegation against the present Applicant that he along with co-accused is cultivating *Ganja* which is

contraband. The statements of witnesses clearly indicate involvement of the Applicant in this crime. There are similar crimes registered against him. Thus, there is *prima facie* more than sufficient material on record to show his involvement in the crime.

6. Having regard to the nature of offence and tendency of the Applicant of committing similar crimes, this Court find it to be not fit case for grant of pre-arrest bail. Hence, application stands rejected.

(R.M. JOSHI, J.)

Malani