

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1795 OF 2023

Mohammad Munawar Ali
s/o Mohammad Ali

Applicant

Versus

The State of Maharashtra

Respondent

Mr. C. C. Deshpande, Advocate for the applicant. (through VC)
Mrs. G. L. Deshpande, APP for the State.

CORAM : R. M. JOSHI, J.

DATE : 6th NOVEMBER, 2023.

PER COURT :

1. Applicant apprehends arrest in connection with Crime No. 308/2023 registered with Bhokar Police Station, Dist. Nanded, for the offences punishable under Sections 8(C), 20(B)(ii) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. First Information Report shows that vehicle bearing No. TS-36/T-4202 was intercepted by police in which 24 packets of ganja worth Rs. 5,25,000/- were found. It is the case of informant that the persons who were accosted at the spot disclosed name of present applicant.

3. Learned counsel for the applicant submits that except for the alleged statement of co-accused, there is nothing to connect applicant with the crime in question. He further states that applicant has no criminal antecedents.

4. Learned APP opposed the application only on the ground that offence is serious in nature. It is submitted that unless applicant is taken in custody, no effective investigation can be carried out. However, there is no dispute about the fact that no antecedents are found against the applicant.

5. There is no doubt that the offence is serious in nature. In such circumstances, there is more responsibility on the Investigating Officer to carry out investigation effectively. Investigating Officer has tried to seek reliance on the alleged statement of the co-accused which is not admissible in evidence. Investigation papers do not show as to any steps of whatever nature are sought to be taken by him in order to connect the present application with the co-accused. This is apparently a shoddy investigation carried out by the Investigating Officer. There can be a number of ways and means to collect evidence in order to connect

applicant with the co-accused. For whatsoever reasons known to the Investigating Officer, this has not been done. In such circumstances, only because the offence is serious in nature unless there is some material to connect applicant with the crime, application cannot be rejected solely on the ground that applicant hails from other state. There are no criminal antecedents against the applicant. Hence, application is allowed. Hence, the following order :-

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest of applicant in connection with Crime No. 308/2023, registered with Bhokar Police Station, Dist. Nanded, for the offences punishable under Sections 8(C), 20(B)(ii) of the Narcotic Drugs and Psychotropic Substances Act, 1985, he be released on bail on furnishing PR Bond of Rs. 15,000/- (Rs. Fifteen Thousand only) with one surety in the like amount.
- (iii) He shall attend the concerned police station once in a fortnight till filling of the charge-sheet.
- (iv) He shall not contact the witnesses directly or indirectly.

(v) He shall not interfere with the evidence in any manner whatsoever.

(vi) He is further directed to cooperate the investigating agency for further investigation.

(R. M. JOSHI)
Judge

dyb