

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1213 OF 2021

VAISHALI
ANIL
TIKAM

Akash S/o. Chandrakant Rajmane

.... Applicant

Versus

The State of Maharashtra

.... Respondent

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signed by
VAISHALI
ANIL TIKAM
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Mr. Viresh Purwant a/w. Ms. Fareha A. Rizvi, Advocates for the Applicant.
Ms. P.N. Dabholkar, APP for Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 17th OCTOBER, 2023.

P.C. :

1. By this application, applicant is seeking bail in Crime No. I-154/2010 registered with Citalsar Police Station, Thane for offences punishable under Sections 8(c), 20 of NDPS Act.

2. It is prosecution's case that on 31st July, 2020, the Police constable received information from the informant that LP Truck bearing No. KA28 A-9095 is coming on 1st August, 2020 from Majiwade to Ghodbunder Road along with 500 to 700 kgs of "Ganja" and accordingly, police formed raid team, when the team went to the spot they found one truck was abandoned near dilapidated building and several gunny containing ganja weighing 691 kgs. were found in it. It is alleged that the Applicant is the

owner of the said abandoned truck.

3. It is the contention of the learned counsel for the Applicant that the Applicant was not found on the spot when the truck was found by the police. No such document or materials produced on to prove the role of applicant in present crime. The Applicant is behind bar for more than three years. The co-accused have been released on bail. Investigation is completed, charge-sheet has been filed. Hence, requested to allow the application.

4. It is the contention of the Learned APP that the Ganja more than 600 kgs is recovered from the abandoned truck which belongs to the Applicant. The Applicant was aware about the ganja in the said truck. Hence, there is prima facie case against the Applicant and hence, requested to reject the bail application.

5. I have heard both learned counsel, perused the FIR and charge-sheet.

As per prosecution's case, police had received information that one red colour LP Truck bearing No. KA28 A-9095 containing 500 to 700 kgs "Ganja" will be coming from Majiwade Naka to Ghodbunder Road. Accordingly, police raided the spot and found the said truck in abandoned condition. The total Ganja found in it

was 691 kgs. The Applicant is the owner of the said truck. At this stage, it cannot be said that the Applicant was not aware about what was carrying in the said truck. There is prima facie case against the Applicant.

6. In view of above, I pass following order :

ORDER

(i) Application is rejected.

(SHIVKUMAR DIGE, J.)