



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Application [BA] No.606 of 2023

Ramdatta s/o Shrikishan Jathav

vs.

State of Maharashtra, through PSO, GRP Railway Police, Nagpur

*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

Court's or Judge's Orders

Mr. A.K. Bhangde, Advocate for the Applicant.

Mr. M.J. Khan, A.P.P. for the Non-Applicant/State.

CORAM : M.W. CHANDWANI, J.
DATE : 6th SEPTEMBER, 2023.

Heard the learned Counsel for the applicant as well as the learned A.P.P. for the non-applicant/State.

02] The applicant seeks bail in Crime No.471/2022, registered by Police Station GRP, Nagpur for the offence punishable under Sections 20(ii)(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS Act' for short).

03] The prosecution case in short is that on 04/07/2022, the Staff of Railway Protection Force were performing their duty in Train No.20805, Visakhapatnam to New Delhi Express. In Coach No.S-4, they found the applicant along with other co-accused were possessing the trolley bags and hand bags. The applicant along with other co-accused were made to alight the train at Nagpur. When the police personnel started checking their trolley bags and hand bags, they found 47.688 kgs. Marijuana (Ganja) in the baggage possessed by the accused. Therefore, offence came to be registered against the applicant and other co-accused and they were arrested.

04] The learned A.P.P. resisted the application by filing reply. He submits that if the accused is released on bail, he may flee away during pendency of the trial.

05] I have gone through the charge-sheet. It transpires that Ganja, weighing 15.517 kgs., which is an intermediate quantity, was seized from two side bags, which were found in possession of the applicant. Therefore, bar under Section 37 of the NDPS Act will not attract. The investigation is complete and the charge-sheet has already been filed. The applicant is in jail since 5th July, 2022. The other co-accused, having similar role in the same offence, have already been released on bail by this Court vide its order dated 22/02/2023. The applicant has no criminal antecedents. The trial will take its own time. Therefore, the apprehension of the learned A.P.P., that the applicant may flee away during pendency of the trial, can be protected by imposing stringent conditions while releasing the applicant on bail. Hence, the following order is passed :

- i. The application is allowed.
- ii. Applicant – Ramdatta s/o Shrikishan Jadhav be released on bail in Crime No.471/2022 registered with Railway Police Station, Nagpur for an offence punishable under Sections 20(b)(ii)(c) and 29 of the NDPS Act, on his furnishing a P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with cash surety in the like amount.
- iii. The applicant shall furnish one surety in the amount of Rs.25,000/- within one month from today.

- iv. The applicant shall, at the time of execution of bond, furnish his address and telephone/mobile number(s) to the Investigating Officer and the Court concerned and shall not change the mobile number and the residence till the final disposal of the case.
- v. The applicant shall attend the trial Court on each and every date.
- vi. The applicant shall furnish affidavit of two close relatives taking responsibility of applicant's attending the trial on each and every date.
- vii. The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or any Police Officer.
- viii. The applicant shall maintain law and order.
- ix. In case of breach of any conditions, the learned trial Court is at liberty to cancel the bail after giving an opportunity of hearing to both the sides.
- x. The application is disposed of in the above terms.

JUDGE