



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

Criminal Application [BA] No.613 of 2023

Ganesh s/o Satahu Sahni

vs.

State of Maharashtra, through P.S.O., 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. N.K. Bhangde h/f Mr. A.K. Bhangde, Advocate for the Applicant.
 Mrs. M.A. Barabde, A.P.P. for the Non-Applicant/State.*

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

The applicant seeks bail in connection with Crime No.734/2022, registered with GRP Railway Police Station, Nagpur, for the offence punishable under Sections 20(b)(ii)(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS' for short).

02] Heard the learned Counsel for the applicant as well as the learned A.P.P. for the State.

03] Perusal of the charge-sheet transpires that the Police Personnel of Reserve Police Force (RPF) were travelling in Tirupati-Jammutavi Hamsafar Express. When the train reached at Nagpur, the Police of RPF found that four co-accused, who were travelling in Coach B/1, were possessing Ganja (Marijuana) weighing 85.570 kgs. Therefore, all the four co-accused were made to get down from the train at Nagpur. Necessary formalities were done. On inquiry with them, it was revealed that the applicant is also involved in the crime, who was also sitting in the same train in Coach B/12. All these four persons were arrested in the said crime. Later on, the applicant was

also arrested on 27/09/2022. The charge-sheet further transpires that nothing is seized from the present applicant.

04] The learned Counsel for the applicant submitted that the allegations against the present applicant is that he was also one of the members of a gang and was also travelling in the said train but in different coach. The applicant was not apprehended on the spot. He was not travelling in Coach B/1, where from the contraband Ganja was seized and other four co-accused were arrested. He, therefore, prays for grant of bail, to which the learned A.P.P. has opposed.

05] The applicant was travelling separately in another coach. Nothing is seized from the applicant. The applicant is behind bar since more than one and half years. So far as the apprehension of the prosecution that the applicant is resident of other State and he will not be available during pendency of trial, is concerned, the same can be protected by imposing stringent conditions while releasing the applicant on bail.

06] Considering the nature of allegations against the applicant, a case is made out for exercising the discretion in favour of the applicant. Hence, the following order :

- i. The application is allowed.
- ii. Applicant – Ganesh s/o Satahu Sahni, shall be released on bail in Crime No.734/2022 registered with GRP Railway Police Station, Nagpur, on his furnishing a P.R. Bond in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) with one or two local solvent sureties in the like amount, before the trial Court.

- iii. The applicant shall attend the trial Court on each and every date, except in case of exemption is granted.
- iv. The observations made in this order are *prima facie* in nature for the purpose of deciding the bail application. The trial Court shall not get influenced by the observationa made in this order.
- v. The application is disposed of in the above terms.

JUDGE

**sandesh~*