



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

909 ANTICIPATORY BAIL APPLICATION NO. 763 OF 2024

. Shivaji Mahadev Karpe
Age: 40 years, Occu.: Agriculture,
R/o. Shingona, Tq.Partur,
Dist.Jalna.

..Applicant
(Accused No.4)

Versus

1. The State of Maharashtra
Through office incharge,
Police Station Moujpuri,
Dist.Jalna.

2. The Superintendent of Police
Jalna, Dist.Jalna.

..Respondents

...

Advocate for Applicant : Mr. Sudarshan J. Salunke

APP for Respondent : Mrs.Uma S.Bhosale

...

CORAM : ABHAY S. WAGHWASE, J.

DATE : 12 JULY, 2024

PER COURT :-

1. Apprehending arrest in Crime No.0097 of 2024 registered at Moujpuri Police Station, Dist.Jalna, for offence punishable under Sections 8(c), 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, applicant has preferred instant anticipatory bail application.

2. Learned Counsel for the applicant pointed out that there is false implication. He emphasized that applicant has no connection with the seizure of the contraband or the vehicle, which was allegedly seized by Police. He took this Court through the annexures containing title

document of vehicle, which was seized by Police and pointed out that the said vehicle is standing in the name of his brother namely Rama Mahadev Karpe and not by applicant. That applicant was not present when alleged action was taken by investigating machiner. He thus submitted that in the light of above, he cannot be said to be in conscious possession. According to him now even entire investigation is over and chargesheet is already filed. For all above reasons, he questions requirement of his custodial interrogation and prays for the relief.

3. While opposing the application, learned APP submits that huge quantity of contraband is found in the vehicle. At that time, enquiry revealed that vehicle was standing in the name of applicant and hence he is named. However, learned APP concedes that chargesheet is now already filed.

4. After considering the above submissions, and the two main points of arguments i.e. firstly, vehicle, which was seized, was not in the name of applicant as is the case of prosecution and secondly, now chargesheet having been already filed and also taking into consideration that vehicle seized does not stand in his name, case is made out for grant of relief. Since grant of interim anticipatory bail, there is no adverse report. Consequently, there is no reason to refuse relief. Hence, interim relief granted by this Court deserves to be confirmed by allowing the application on same terms and conditions.

5. Accordingly, Anticipatory Bail Application is allowed and disposed of.

(ABHAY S. WAGHWASE)
JUDGE

SPT