



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 942 OF 2024

Sandip Raju Malunekar

VERSUS

The State Of Maharashtra And Another

- Mr. Vijay Deshmukh h/f Mr. S. S. Dixit, Advocate for the Applicant
- Mr. B. B. Bhise, APP for the Respondent/State

CORAM : R.M. JOSHI, J

DATE : SEPTEMBER 30, 2024

PER COURT :

1. Applicant apprehends arrest in connection with with C.R. No. 350 of 2024 registered with Sangamner City Police Station, Dist. Ahmednagar for the offences punishable under Sections 8(c) & 20(b)(ii) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. It is the case of the prosecution that on 09.04.2024 at about 07.50 pm a raid was conducted in a premises. Before police personnel could enter the said premises, one person was found running away from the said premises. A lady residing there informed the police about the person who had fled is her son. Police entered the house and found Ganja weighing about 614

grams.

3. Learned Counsel for the Applicant submits that in the FIR his name is not disclosed. It is his further submission that even if case of the prosecution is accepted, the raid itself is not in accordance with law as the same is conducted beyond sunset. It is his further submission that the alleged quantity of psychotropic substance is 614 grams, which is not commercial quantity and the said offence is punishable imprisonment which may extent fo one year with fine. Thus, it is his submission that there is already a recovery and his custodial interrogation is not necessary.

4. Learned APP opposed the application on the ground that if the name of the Applicant is wrongly mentioned, the said mistake has occurred as the mother of the Applicant has given incorrect name of the Applicant. It is further submitted that there is evidence on record to indicate that from the said house narcotic substance was seized. According to him, there is evidence in the form of ration card indicating the premises, from which the seizure is done, belongs to

the Applicant. Citing seriousness of the crime, Application is sought to be rejected.

5. Even if some concession is given to the prosecution for mentioning the incorrect name of the Applicant in the FIR, admittedly the raid has been conducted after sunset. Apart from this, there is no investigation done by the investigating agency to find out that the Applicant is either owner or occupier of the premises from which seizure has been done. On the face of it, ration card is not sufficient to support the case of the prosecution as it does not mention the unit/premises number in which the Applicant is residing. The offence is registered on 09.04.2024. Thus, there was sufficient time available for the investigating agency to carry out proper investigation in order to connect the Applicant with this crime. There is no evidence to connect him with crime, as such, it is a fit case to allow application.

6. Hence, the order:

O R D E R

- (i) In the event of arrest of the Applicant in connection with C.R. No. 350 of 2024 registered with Sangamner City Police

Station, Dist. Ahmednagar for the offences punishable under Sections 8(c) & 20(b)(ii) of the Narcotic Drugs and Psychotropic Substances Act, 1985, he shall be released on bail on furnishing PR bond of Rs. 15,000 (Rupees Fifteen Thousand Only) with one surety in the like amount.

- (ii) He shall attend the concerned police station once in fortnight till filing of the charge-sheet.
- (iii) He shall not contact the witnesses directly or indirectly.
- (iv) He shall not interfere with the evidence in any manner whatsoever.
- (v) He is further directed to cooperate the investigating agency for further investigation.

(R.M. JOSHI, J.)