



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

981 ANTICIPATORY BAIL APPLICATION NO. 1441 OF 2024

SAMEER MAMU @ SHAIKH SAMEER @ AMAR HASAN SHAIKH
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Abhaysinh K. Bhosle
APP for Respondent/State : Mr.S.B. Narwade

...
CORAM : **SHIVKUMAR DIGE, J.**

DATE : 4th September, 2024.

P.C.:

1. The applicant apprehends arrest in connection with FIR No.697 of 2024 registered with MIDC Waluj Police Station, Tq. Gangapur, for the offences punishable under sections 8(C) and 20(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, "NDPS Act").
2. It is prosecution's case that on 4th August, 2024, informant Sandipan Dharme lodged report alleging that on the basis of secret information, he along with his superiors, colleagues, panch etc., effected raid at the house of accused no.1 Vicky Jadhav situated at Lane No.3, Datta Nagar, Ranjangaon-Shenpunji, MIDC- Waluj, Aurangabad. Accordingly, they found cannabis ganja worth Rs.30,000/- and it is seized. Accused no.1-Vicky told them that he used to bring it from Amravati at the instance of co-accused Aslam Shaikh and Sameer Syed and they used to give him Rs.15,000/- per kilogram commission. Later on co-accused Aslam and Sameer used to sell it by preparing its small packets. It is alleged that the applicant

would inform accused no.1 about the raid of police and for giving said information, accused no.1 was giving some amount to the applicant.

3. It is contention of the learned counsel for the applicant that the applicant has been falsely implicated in this case. The allegations against the applicant are that accused no.1 would give amount to the applicant to give information about the raid of police. The applicant is not involved in the said offence. Considering the allegations against the applicant, the custodial interrogation of the applicant is not required and requested to allow the application.

4. It is contention of the learned APP that the police found Ganja in the house of accused no.1 and he has stated role of the applicant that he would give amount to the applicant as the applicant was providing the information to him about the raid of the police. It shows involvement of the applicant in the crime. As per section 27A of the NDPS Act, harbouring to the accused is also an offence. There is bar under section 37 of the NDPS Act. Considering the allegations against the applicant, the custodial interrogation of the applicant is required and requested to reject the application.

5. I have heard both the learned counsel. Perused the F.I.R. and police papers produced on record.

6. The allegations against the applicant are that he would provide the information about the raid of police to accused no.1. It appears from the F.I.R. that when the police found Ganja in the house of

accused no.1 and the police inquired with him, he has stated that he had purchased the said contraband from co-accused. Considering the allegations against the applicant, the custodial interrogation of the applicant is not required and I pass the following order :-

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest of the applicant in connection with FIR No.697 of 2024 registered with MIDC Waluj Police Station, Tq. Gangapur, for the offences punishable under sections 8(C), 20(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985, the applicant be released on executing personal bond in the sum of Rs.25,000/- with one surety of the like amount, on the following conditions :-
 - (a) the applicant shall attend the concerned police station as and when required by the Investigating Officer.
 - (b) the applicant shall not indulge in similar offences.

[SHIVKUMAR DIGE, J.]