



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

931 ANTICIPATORY BAIL APPLICATION NO. 1801 OF 2024

Altaf @ Jugnu Jalal Siddiki

VERSUS

The State Of Maharashtra

...
Advocate for Applicant : Mr. Ghongade Sudheerkumar G.
APP for Respondents-State: Mr. S. K. Shirse
...

CORAM : ARUN R. PEDNEKER, J.

Dated : November 21, 2024.

PER COURT :-

1. Heard learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant is apprehending arrest in connection with FIR No.0814/2024 dated 10/09/2024, registered at M.I.D.C.Waluj Police Station, District Aurangabad, for the offences punishable under sections 20(b) (ii), 20(b), 8 (c), 29 of N.D.P.S.Act.
3. The learned Counsel for the applicant submits that the applicant is sought to be arrested solely on the basis of the confessional statement of the co-accused. He relies upon the order dated 17/10/2024, of this Court in ABA No. 1164/2024 (***Tarakaur w/o Bhagatsingh Bhosiwale vs. The Superintendent of Police***), as well as the judgment/order of the Delhi High Court in the case of ***Deepak Nagiya vs. State (NCT of Delhi)***, reported in ***2023 Legal Eagle (DEL) 1168 : 2023 Gojuris (DEL) 1168***, to contend that the only material against the applicant is the disclosure statement of the co-accused, which alone cannot form the basis for arrest. He further submits that the disclosure statement has not

been recorded under Section 67 of the NDPS Act and, therefore, the applicant deserves to be granted anticipatory bail.

4. Per contra, the learned APP submits that in the instant case, the applicant, who was a pillion rider on a motorcycle along with another person, was found transporting 16.183 kilograms of cannabis, which constitutes an intermediate quantity punishable with imprisonment of up to 10 years. The police intercepted the motorcycle by signaling the rider to stop the vehicle. While the motorcycle was being stopped, the pillion rider fled the scene, leaving a bag of cannabis on the motorcycle. Upon apprehending the co-accused, the police inquired about the identity of the person who had fled the scene, and the co-accused disclosed the applicant's name. The learned APP further contends that the police has seen the applicant fleeing the scene and needs his custody for identification and for further investigation.

5. In view of the above, the application is dismissed.

(ARUN R. PEDNEKER, J.)

vj gawade/-.