

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2854 OF 2021

Pandit Rama Pawar : Applicant
Vs.
The State Of Maharashtra : Respondent

Adv. Dilip Mishra i/by Adv. Ayaz Khan, for the Applicant.
Mr. B. V. Holambe Patil, APP for the State.

CORAM : KISHORE C. SANT, J.

DATE : 20TH MARCH, 2024

PC. :

1. Heard learned Advocate for the Applicant and the learned APP.
2. The Application is for grant of bail in the event of arrest. The FIR came to be lodged by one Vishal Dalvi working as Police Constable lodged FIR against one Hiranman Babu Jadhav & Rahul Revan Nanavare for the offences punishable under Sections 20(b), 20 (b) (ii), 29 and 8 (c) of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Loni Kalbhor, Police Station bearing FIR

No.0300 on 04/06/2021. It is alleged that whilst the informant was on patrolling duty they found Toyota Etios Car, near hotel Jogeshwary Misal at 21.45 on seeing the patrolling staff the driver in the car started the car while looking after that his actions for suspension was creative. He was therefore crossing by the P. I. on taking search of the car, it was found that there was 10 Kg. 429 grams Ganja in the bag. The offence came to be registered. It is the case that these two accused persons told that they purchase the Ganja for the present Applicant. It is on this mentioning name of the Applicant was transpired and he came to be added.

3. It is the case of the Applicant that merely on the statement of two accused, he is added as accused person. He has no role to play, he is not concerned with the alleged offence.

4. Learned Advocate, relied upon the order passed by the Hon'ble Apex Court in Criminal Appeal No.822 of 2020 in the case of Seesh Singh @ Mor Vs. State of Punjab. Hon'ble Apex Court in the case granted the bail the accused in a similar case that the person was apprehended on the basis of statements of Co-accused.

5. The another submission is that this Court by way of order dated 4th December, 2021 has granted ad-interim relief and the same is continued. He has attended the Police Station as and when called by the police. Charge sheet is also filed 10th May, 2022 and no custodial interrogation is now required.

6. Learned APP accepts that the charge sheet is already filed, there is no complaint against the accused of non attended in the Police Station when called. Considering that the investigation is completed. The Applicant is already on interim protection. This Court finds that a case is made out to allow the Application. Hence the following order.

ORDER

- (a) Application stands allowed.
- (b) Applicant be released on bail in the event of arrest on furnishing PR. Bond solvent surety in the sum of Rs.15,000/- in connection with the offences punishable under Sections 20(b), 20(b)(ii), 29 and 8 (c) of the Narcotic Drugs and

Psychotropic Substances Act, 1985, at Loni Kalbhor, Police Station bearing FIR No.0300 on 04/06/2021.

- (c) Applicant shall attend the Police Station as and when required.
- (d) Applicant shall not try to contact any of the witnesses or to influence the trial.
- (e) Criminal Application stands disposed of.

(KISHORE C. SANT, J.)

(Corrected pursuant to speaking to minutes of order dated 25th April, 2024.)