



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO. 864 OF 2024

Ritik s/o Gajanan Kalambe Vs State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. B.K.Suchak, counsel with Mr. V.D. Ruparelia, counsel for the applicant.
Mr. H.D.Dubey, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 23/10/2024.

1. The applicant came to be arrested on 12/06/2024 in connection with crime No. 354/2024 registered with Police Station Wathoda, Tq. & District Nagpur for the offence punishable under section 8(c), 29 and 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to 'NDPS Act')

2. The crime is registered on the basis of a report lodged by Manoj Ghurde, Crime Branch, on an allegation that on 12/06/2024, he was performing his duty, and he received the secret information that one person, namely co-accused Sagar Choudhary, aged about 25 to 30 years, who is wearing a black t-shirt and black pants and traveling on a metallic Grey Honda Activa, will be delivering the Mephedrone drugs (MD) on Manewada ring road, at around 6.00 p.m. in front of Plaza Bar, Nagpur. On receiving the said information, he immediately rushed two panchas, and other raiding party members reached at the spot and intercepted the accused No.1, at the relevant time, the present applicant

was also found standing there. During the interception, the entire contraband of 138 gm worth of Rs.13,80,000/- was seized from the possession of the co-accused. On the basis of said report, police have registered the crime. During the investigation, it revealed that the present applicant, who is an engineering student, came there to purchase the said Mephedrone (MD), and therefore, he is also arraigned as an accused.

3. Learned counsel for the applicant submitted that there are no criminal antecedents, merely because he was standing there; he was arraigned as an accused. There is no recovery from him, and therefore, rigor under Section 37 will not attract.

4. Learned APP strongly opposed the said application and submitted that applicant had been there to purchase the said contraband, and therefore, the rigor under Section 37 will come into play. In view of that, the application deserves to be rejected.

5. After hearing learned counsel for the applicant and learned APP for the state, perused the entire investigation papers. Except the statement of the present applicant before the investigating agency, there is no other material to show that the present applicant had been there to purchase the said Mephedrone (MD) from the present applicant. There are no criminal antecedents against the present applicant, and therefore, rigor under Section 37 will not come into play. As far as the statement of the present applicant before the investigating officer, which is not recorded under Section

67 of the NDPS Act. Whether it would be helpful to the prosecution or not to prove the charge, is a matter of evidence. At this stage, considering the role attributed to the present applicant, he has made out a case for grant of bail. In view of that, I proceed to pass the following order.

- a] The criminal application is allowed.
- b] The applicant – Ritik s/o Gajanan Kalambe, in connection with crime No. 354/2024 registered with Police Station Wathoda, Tq. & District Nagpur for the offence punishable under section 8(c), 29 and 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to 'NDPS Act'), on executing PR. Bond of Rs. 50,000/- with one solvent surety in the like amount.
- c] The applicant shall attend the proceedings before the Sessions Court without seeking any exemption unless there are exceptional circumstances.
- d] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.
- e] The applicant shall not indulge in similar types of activities.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]