



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

CRIMINAL APPLICATION (BA) NO.925 OF 2024

Eluri Shreenu s/o Eluri Arjunudu
Vs.

State of Maharashtra, Through Police Station Officer, Police Station, Pardi,
Nagpur

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A. K. Bhangde, Counsel for the applicant.
Ms. H. N. Prabhu, APP for non-applicant /State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 14/11/2024

1. Heard.
2. By this application, the applicant is seeking bail in connection with Crime No.383/2022 registered with the non-applicant/police station for offences punishable under Sections 8(c); 20(b)(ii)(c), 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (the said Act).
3. The applicant is arrested on 31.01.2023 and since then he is behind bar.
4. As per accusations against the applicant, on 15.11.2022, complainant Assistant Police Inspector Arun Bakal was informed by Police Inspector of Crime Branch regarding a secret information relating to transportation of contraband

through truck bearing registration No.AP-16-TA-7349. The said contraband was being transported from Jagdalpur (C.G.) to Bhandara via Nagpur. Accordingly, the complainant along with police officials and panchas rushed to Pardi Chowk, Bhandara Road, near Jaibhole Dhaba Kapsi to restrain the vehicle. The complainant and the raiding staff restrained the said vehicle and inspected goods loaded in the truck. There were certain bags of fertilizers and beneath the said bags, 72 bags were found containing 1555 kilograms 320 grams "ganja" which was seized by the police in presence of panchas. During personal search of co-accused Someshwarrao @ Bujji Narsimhamurti Kotipillayam and co-accused Balemnanaji @ Nani Paidyakapu Balem, two mobile phones were seized and one piece of paper having names of 5-7 persons and their contact numbers. The articles were forwarded for chemical analysis. After obtaining the samples, by following due procedure, FIR was lodged. As far as the present applicant is concerned, it was alleged that the present applicant has given his truck for transporting the said contraband articles. On the basis of the said report police have arraigned the present applicant as an accused.

5. Learned Counsel Mr. A. K. Bhangde for the applicant submitted that merely because applicant is the owner of the truck, he is arraigned as an accused except the documents which show the ownership of the present applicant regarding the truck bearing No.

AP-16-TA-7349. There is no other material to connect the present applicant with the alleged offence to show that he is involved in the transportation of the contraband articles. In support of his contention, he invited my attention towards the recitals of the FIR and other investigation papers and submitted that there is no single witness brought by the investigating agency to show any live link between the co-accused and the present applicant. He submitted that some of the applicants are already released on bail by this Court. The applicant is on a lower pedestal than the co-accused who are already released on bail as the applicant was not found in possession of the contraband articles. There is no material against him to show his connection with the co-accused therefore, the rigor under Section 37 of the NDPS Act is not applicable. In view of that, the applicant be released on bail.

6. Learned APP strongly opposed the said application on the ground that in view of the rigor under Section 37 of the NDPS Act, the application of the present applicant deserves to be rejected. She further submitted that the applicant is residing outside the State of Maharashtra and there is every likelihood that he would not be available for trial and the trial would held up.

7. After hearing the learned Counsel for the applicant and learned APP for the State, perused the investigation papers, it reveals that on conducting

the raid, commercial quantity of contraband article "ganja" of 1555 kilograms 320 grams was found in possessions of the co-accused which is seized by the police. During the investigation, it revealed that the truck bearing No.AP-16-TA-7349 is owned by the present applicant, except this statement there is no other material to show that the present applicant was dealing with the contraband articles and he is having any link with the other co-accused.

8. In the light of the above observation and considering the fact that, except the applicant being the owner of the said truck, there is no other material to connect him with the alleged offence. The applicant has made out a case for grant of bail. Hence, I proceed to pass following order:

ORDER

(i) The criminal application is allowed.

(ii) The applicant **Eluri Shreenu s/o Eluri Arjunudu** shall be released on bail, in connection with Crime No.383/2022 registered with the non-applicant/police station for offences punishable under Sections 8(c); 20(b)(ii)(c), 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, on his executing a P.R.Bond in the sum of Rs.1,00,000/- with one solvent surety of the like amount.

(iii) The applicant shall attend the concerned Police Station once in a month on 1st of every month and shall attend the proceeding before the Special Court without seeking any exemption unless there are exceptional circumstances.

(iv) The applicant shall furnish his cell phone number and address with address proof.

(v) The applicant shall surrender his passport if he is having before the Special Court.

(vi) The applicant shall not directly or indirectly make any inducement and threat or promise to any witnesses acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the court or any police officer.

The criminal application stands disposed of.

(URMILA JOSHI-PHALKE, J.)