



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 443 OF 2025

Dnyaneshwar Avchit Koli
Age 38 years, Occupation Labour,
R/o Village – Pilode,
Taluka Shirpur, District Dhule.

... Applicant

Versus

1. The State of Maharashtra
Thorough Superintendent of Police,
Jalgaon, Taluka and District Jalgaon.

2. The Investigation Officer
Chopda City Police Station, Chopda,
Taluka Chopda, District Jalgaon.

... Respondents

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Mr. Jitendra V. Patil, Advocate for the Applicant.
Mr. S. B. Narwade, APP for Respondent-State.

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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 07.04.2025

Pronounced on : 08.04.2025

ORDER :

1. Applicant seeks enlargement on regular bail on account of his arrest in crime no. 11 of 2025 registered at Chopda City Police Station, District Jalgaon for offences punishable under Sections 8(c), 20(b)(ii)(c), 22(c) of Narcotic Drugs and Psychotropic Substances Act, 1985 [NDPS Act].

2. Learned counsel pointed out that applicant is arrested in above crime on 16.01.2025. That, there are allegations of transporting ganja in a private vehicle. However, according to learned counsel, applicant does not own the vehicle. He had merely taken lift for the journey. It is alleged that 31 kg. ganja was being transported, but applicant was not aware. He has no relation with the vehicle owner or driver. No recovery or discovery is to be made from him. Therefore, his further custody is not required. For all above reasons, applicant urges for relief.

3. Learned APP opposed on the ground that, on secret information about ganja being transported in a four wheeler and after constituting team, trap was laid on Shirpur-Chopda road. Around 5.15 a.m., Maruti Suzuki vehicle was spotted and intercepted. Apart from driver, there was one more person on the front seat and three were occupying back seat. Those persons tried to flee, but were apprehended and they were brought to police station. In search of the vehicle, two yellow nylon gunny bags were found containing leaves like ganja and therefore, further procedure was undertaken. It was revealed that said two gunny bags were having ganja weighing 16.120 kg. and 15.300 kg. respectively.

4. Heard. Perused the papers. Apparently, on receipt of secret information, police personnel of Chopda City Police Station laid trap and intercepted four wheeler vehicle occupied by four to five persons. After completing procedure, in search of the vehicle, two yellow gunny bags, having ganja like leaves weighing 16.120 kg. and 15.300 kg. Respectively, were found in the said vehicle and therefore, above action was taken against five persons, including present applicant.

5. Now submissions are made that applicant has no nexus with the vehicle. Merely lift was taken and he is apprehended along with others. Learned APP pointed out that, though vehicle does not stand in the name of present applicant, Investigating Officer has recorded statement of the real owner, who named present applicant to be relative and he had borrowed the vehicle on the pretext of taking patient. That, thus, applicant has nexus with the contraband.

6. On visiting such statement of owner Vicky Manohar Koli dated 19.01.2025, it does emerge that present applicant, who is relative, allegedly approached the owner on 15.01.2025 to borrow the vehicle on the pretext of patient to be taken to hospital for delivery. RC particulars of the vehicle are also gathered by Investigating Officer. There is no foundation to the assertion that applicant has no concern

and that he merely took lift to undertake the journey. Investigation is still incomplete and charge sheet is yet to be filed. Resultantly, this Court does not find it a fit case to grant relief. Hence, I proceed to pass the following order :

ORDER

The application is rejected.

[ABHAY S. WAGHWASE, J.]

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