



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

12 BAIL APPLICATION NO. 1320 OF 2025

LAHU SAMBHAJI ALURE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant :

Ms. Neha Udwant h/f. Mr. Salunke Sudarshan J.

APP for Respondent/State: Mr. V. M. Jaware

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CORAM : ARUN R. PEDNEKER, J.

DATE : 21.07.2025

P.C. :

1] Heard learned counsel for the applicant and the learned APP for the respondent-State.

2] The applicant is seeking bail as he was arrested on 04.10.2024 in connection with Crime No.0542/2024, dated 02.10.2024, registered with Udgir Rural Police Station, District Latur, for the offences punishable under Sections 8(c) , 20(c), (2), 20(b)(ii) and 29 of the NDPS Act.

3] The date of incident is 02.10.2024. Vehicle driven by the co-accused no.1 was intercepted in which certain amount of ganja (i.e. 2.46 Kilograms) was recovered from the co-accused. Thereafter, on investigation, information was received from the co-accused no.1 that

large quantity of ganja is stored in a tanker parked nearby and as such raid was conducted on the tanker and about 302 Kilograms ganja was recovered from the tanker. The co-accused in his statement had mentioned that the tanker was driven by the present applicant. As such, the applicant is arrested on 04.10.2024 and continues to be in jail.

4] The learned counsel for the applicant submits that there is no other material connecting the applicant with the crime except statement of the co-accused, who has mentioned about applicant being the driver of tanker from which commercial quantity of ganja was recovered. She submits that the applicant has no antecedents nor the applicant is involved in the present crime. In view of the statement of the co-accused, the applicant is in custody and, thereafter, investigation is carried out.

5] The learned APP has submitted that the co-accused has taken the name of the applicant. He has made discovery statement under Section 27 of the Evidence Act in which he has mentioned about contrabands being placed in the tanker and that it was taken from the tanker. He submits that in pursuance of the statement of the co-accused that there was discovery from the tanker and the co-accused had the knowledge of the tanker with ganja and also it's driver being the applicant. He submits that the co-accused applicant is the driver-cum-owner of the tanker. He

further submits that the CA report also points out that the contraband recovery is about 302 Kilograms. He submits that as such the bail application be rejected. That the quantity recovered is a commercial quantity and as such the offence is punishable under Section 20 (C) of the NDPS Act. The same is punishable not less than 10 years but extend up to 20 years and shall also be punishable with fine.

6] The learned counsel for the applicant submits that the co-accused no.1 was the driver of the tanker and the tanker was in his possession. It cannot be ruled out that tanker was in possession of the co-accused from whom ganja of 2.46 Kilograms was recovered.

7] Considered the rival submissions The applicant is arrested on the statement of the co-accused. There is no further incriminating evidence against the applicant except the statement of the co-accused and the applicant being the owner of the tanker. Reliance is placed on statement under Section 27 of the Evidence Act of the co-accused. However, statement made under Section 27 of the Evidence Act is a statement that can be used against the maker of the statement. It does not connect the applicant to the contraband seized. It is not shown that the applicant is aware that contraband is transported through his vehicle since the applicant is alleged to be the owner of the vehicle.

8] Considering that there is no further connecting material, connecting the applicant to the contraband except the statement of the co-accused, so also, considering that the applicant being the owner of the tanker, no evidence is shown that he was consciously aware that contraband was transported in the tanker. The applicant has no antecedents and is in custody from 04.10.2024. Further custody of the applicant may not be necessary and bail can be granted to the applicant on certain conditions.

9] In view of the above, the application is allowed in the following terms :

a] The applicant shall be released on bail in connection with Crime No.0542/2024, dated 02.10.2024, registered with Udgir Rural Police Station, District Latur, for the offences punishable under Sections 8(c) , 20(c), (2), 20(b)(ii) and 29 of the NDPS Act, on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

b] The applicant shall not get himself involved in to similar offences failing which the bail granted would stand vacated.

c] The applicant, upon being released on bail, shall not contact the informant, in any manner whatsoever, during the pendency of the trial.

d] The applicant shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the trial Court.

e] The applicant shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses and other persons concerned with the case.

f] The applicant, upon being released on bail, shall place on record of the trial Court the details of his Contact Number and residential address with updates in case of any change.

10] Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled.

11] It is also clarified that the observations made in this order are limited to the disposal of the present bail application. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

12] The application stands disposed of.

[ARUN R. PEDNEKER]
JUDGE

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