



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

ANTICIPATORY BAIL APPLICATION NO. 1754 OF 2024

Shamshad Begum W/o Feroz Khan
VERSUS
The State Of Maharashtra And Another

Mr. P. P. Mandlik, Advocate for applicant
Mr. D. B. Bhange, APP for respondent Nos. 1 and 2/State

CORAM : R. M. JOSHI, J.
DATE : 15th January, 2025

PER COURT :-

1. Applicant apprehends arrest in connection with Crime No. 654/2024 registered with Nanded Gramin Police Station, Dist. Nanded, for the offences punishable Under Section 20(B) ii A and 22 of the Narcotic Drugs and Psychotropic Substances, Act, 1985.
2. The gist of the First Information Report is that police personnel received information about some persons dealing into the Drugs and Narcotics. Accordingly, raid was conducted in the house. This is a case of the Informant that one man and a woman ran from the house. At that time, Ahmed Khan accosted. He was found in possession of Ganja. On the basis of this report, offence registered.
3. Learned counsel for the applicant submits that from the gist

of the statement of the co-accused is that there is absolutely no evidence to connect applicant with this crime. It is his statement that applicant is lady with no criminal history behind her.

4. Learned APP opposed the application by contending that the offence is serious in nature. It is his submission that during the investigation, it is revealed that the house which was raid belonging to the father of present applicant and she was residing there. It is his further contention that there are offences registered against mother of the applicant.

5. There cannot be any dispute about the proposition of law that on the basis of alleged statement of the co-accused and without there being any supporting material, the involvement of the accused cannot be assumed in crime even if of this nature. As far as present case is concerned, though it is claimed by the prosecution that co-accused has made an oral statement at the time of conducting of the raid involving name of the applicant however, admittedly, no memorandum of statement of co-accused is recorded. Apart from this, the evidence at the most indicates that the house concerned belonging to the father of applicant. Prima facie this will not be sufficient reason to hold the involvement of the applicant in the crime. Similarly, only for reason that

offences are registered on the mother of applicant, her involvement cannot be assumed.

6. In view of the above, application allowed in terms of interim relief.

(R. M. JOSHI, J.)

bsj