



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

962 ANTICIPATORY BAIL APPLICATION NO. 1864 OF 2024

Govindsingh Mahavirsingh Thakur
VERSUS
The State Of Maharashtra And Another

...
Advocate for Applicant : Mr. Dargad Swapnil Sunilkumar
APP for Respondents-State: Mr. R. S. Wani
...

CORAM : ARUN R. PEDNEKER, J.

Dated : March 13, 2025.

PER COURT :-

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

2. The applicant is apprehending arrest in connection with FIR No.219/2024, registered with Jinsi Police Station, District Chhatrapati Sambhajnagar, for the offences punishable under sections 22 (B), 29, 8(c) of Narcotic Drugs and Psychotropic Substances Act.

3. This Court, by order dated 25/10/2024, granted interim protection to the applicant. Regular bail has been granted to the co-accused by order dated 23/10/2024 in BA/1818/2024, noting the submissions and reasons in paragraphs 3 and 4 as under : -

"3. The applicant was carrying the Alprazolam Tablets IP Alprazo 0.5. He was carrying around 900 strips in bag. The said contraband was recovered from the spot of the incident. However, the Investigating officer had took the samples on the spot of the incident, which was in violation of rules 8, 9 and 10 of the NDPS Rules.

4. The Hon'ble Supreme Court in the case of Simranjit Singh @ Roda Vs. State of Punjab, 2023 LiveLaw SC (570) has held that taking samples on the spot of incident is a legal defects for which the accused

is to be acquitted. Since the mandatory Narcotic Drugs and Psychotropic Substances (Seizure, Storage, Sampling and Disposal) Rules, 2022 have been violated, the applicant deserves bail."

4. Considering the observations of this Court in BA/1818/2024, the interim protection granted to the present applicant-accused by order dated 25/10/2024 is confirmed.

5. In view of the above, the application is allowed in the following terms : -

i] In the event the applicant is arrested in connection with FIR No.219/2024, registered with Jinsi Police Station, District Chhatrapati Sambhajnagar, for the offences punishable under sections 22 (B), 29, 8(c) of Narcotic Drugs and Psychotropic Substances Act, he shall be released on bail on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

ii] The applicant shall attend the police station as and when called by the police.

iii] The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.

iv] The applicant shall co-operate with the investigation and also in the proceedings before the trial Court.

6. In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

7. It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

8. The application stands disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.