



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.2244 OF 2024

Danish S/o Mobin Bagwan

Age: 23 years, Occu.: Labour

R/o. Near Qurashi Plaza, Sabji Mandi,

Paithan Gate, Aurangabad

Tq. & District Aurangabad

... Applicant

Versus

The State of Maharashtra

... Respondent

.....

Mr Soheli E. Siddique, Advocate for Applicant

Mr. S.B. Narwade, APP for Respondent – State

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 06 FEBRUARY 2025

PRONOUNCED ON : 10 FEBRUARY 2025

ORDER :

1. The present application is filed for grant of regular bail on account of arrest of applicant in Crime No.0284 of 2024 registered at City Chowk Police Station, Aurangabad for offences punishable under Sections 8-C, 21-B and 29 of the Narcotic Drugs and Psychotropic Substances (N.D.P.S.) Act and under Section 3(5) of the Bharatiya Nyaya Sanhita.

2. Learned counsel for the applicant pointed out that applicant is arrested in above crime on 28.08.2024. That, it is alleged that he was in

possession of 11 gm. "MD drugs". That, it is not commercial quantity. That, three persons were involved, two are already released by the Trial Court. That, now charge-sheet is already filed. That, applicant has no antecedents, and when nothing is to be recovered or discovered from applicant, learned counsel seeks grant of bail.

3. While opposing the bail application learned APP pointed out that on secret information raid was conducted and applicant was arrested after following due procedure. That, during a body search, he was allegedly found to be in possession of mephedrone (MD), which falls under the N.D.P.S. Act. That, he was in possession of 26 pouches, and the same were meant for sale. That, seeing police party arrived, he allegedly attempted to flee but was apprehended. According to learned APP, possession and sale of such drug is dangerous, more particularly for the youth, and therefore, learned APP opposed relief of bail.

4. Heard. After considering the submissions and on going through the report lodged by one Arjun Kadam with City Chowk Police Station, Aurangabad. It is emerging that on 27.08.2024, on secrete information, raiding team was constituted and after making necessary preparation and they proceeded to the location where the operation was to be carried out. They came across one person, but it is reported that seeing police arrive, the said person tried to flee, however, he was chased and caught. After

following due procedure, raiding party offered their own search, and therefore, conducted his body search. On inquiry, he gave his name and in his body search, it claims that 26 sachets were found. The same are to be seized and sent to the analysis. Therefore, apparently, applicant is arrested while he was in possession of above 26 distinct sachets. He also gave the names of the persons from whom he allegedly procured the drugs. However, learned trial Court had granted them bail because their names had appeared on the statement of the present applicant after being caught, who later on were arrested. Taking the same into consideration, they seem to be released on bail. However, the present applicant is apprehended while he was in actual possession. Therefore, on the ground of parity cannot be made applicable to him. Hence, the following order.

ORDER

Application is rejected.

**ABHAY S. WAGHWASE,
JUDGE**

S P Rane