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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 3963 OF 2024

Badalu Bambhadur Chaubey

Applicant /
.. Accused No.2.

Versus

Narcotics Control Bureau, Mumbai Zonal Unit

.. Respondent

-
- Mr. Jignesh Jain, Advocate for Applicant.
 - Ms. Megha S. Bajoria, APP for Respondent – NCB.
-

CORAM : MILIND N. JADHAV, J.

DATE : MARCH 06, 2025.

P.C.:

- 1.** Mentioned out of turn at the time of rising of the Court.
- 2.** Heard Mr. Jain, learned Advocate for Applicant and Ms. Bajoria, learned APP for Respondent – NCB.
- 3.** Applicant in Bail Application is incarcerated in a crime under the provisions of the Narcotic and Psychotropic Substances Act, 1985 since 15.06.2022.
- 4.** Mr. Jain would submit that Applicant is the driver from whom the alleged contraband was seized. Applicant is arraigned as Accused No.2. He would submit that Accused No.1 loaded the said contraband namely 7200 bottles of phensirest cough syrup in the tempo at Jalgaon on instructions of Accused No.3 which was supposed

to be delivered at Padgha, Bhiwandi when the vehicle was intercepted and Accused No.1 and present Applicant were arrested. He would submit that at the time of arrest Accused No.1 was inside the vehicle. He would submit that said tempo belongs to the Applicant and he gives the same on hire basis because he himself drives the tempo. He would also inform the Court that he will obtain appropriate instructions from the Applicant if there is any loan pending in respect of the tempo which belongs to him. Necessary details shall be furnished to the Court on the next adjourned date.

5. Ms. Bajoria, learned APP is directed to take appropriate instructions on the aforesaid submissions made by Mr. Jain and inform the precise role of the Applicant in the present case.

6. Prosecution shall show nexus of the Applicant with other accused persons or money trail apart from Rs.18,000/- which was the rent of the tempo received by him on the next date.

7. Considering the aforesaid peculiar facts, the present Application shall be heard and decided by this Court on the next adjourned date which shall be noted by the prosecution.

8. If any reply is to be filed by the Respondent, the same may be filed positively within a period of two weeks from today with advance copy to the learned Advocate for the Applicant. For the sake of reply, this Court shall not be adjourn the Application on the next

date and the charge-sheet and other material shall be placed before the Court on that date.

9. Stand over to **25th March, 2025**. To be placed on the **‘Supplementary Board’**.

[MILIND N. JADHAV, J.]

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