

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 5063 OF 2024

Govinda Mohite

.. Applicant

Versus

The State Of Maharashtra

.. Respondent

.....

- Ms. Ashwini Achari a/w Mr. Taraq Sayed, Advocates for Applicant.
- Mr. Rushikesh M. Pethe, APP for State.

.....

CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 03, 2025

P. C.:

- 1.** Mentioned out of turn at the time of rising of Court.
- 2.** Heard Ms. Achari, learned Advocate for Applicant and Mr. Pethe, learned APP for State.
- 3.** The applicant before me is indicted in the crime under the NDPS Act and arrayed as Accused No.5. Name of the Applicant emanates from the statement made by Accused No.3 who is the owner of the subject vehicle truck in which said contraband was being transported. Accused Nos. 1 and 2 have been apprehended with the contraband in the subject vehicle.
- 4.** Learned Advocate for the Applicant would persuade the Court to consider the fact that Applicant - Accused No.5 is the relative of Accused No.3 and the prosecution case rests upon the sole

statement of Accused No.3 he having stated that the Applicant - Accused No.5 used to help him. That apart she would submit that prosecution has referred to and relied upon the CDR record but she would submit that CDR report should not be construed otherwise considering the nexus and relationship between Accused No.3 and 5. She would submit that Applicant has no antecedents and he is farmer by profession. The credentials of the Applicant that he is farmer are not placed before the Court, same shall be placed on record on the next adjourned date.

5. Learned APP is directed to take appropriate instructions from the Investigating Officer and apprise the Court on the next adjourned date. The Investigating Officer is directed to investigate and apprise the Court as to who is the owner of the subject vehicle.

6. Stand over to **12th March, 2025 (at 2:30 pm)**.

[MILIND N. JADHAV, J.]