

CNR No.MHBU040004722021

MHBU040004722021

**ORDER BELOW EXH.33**

(Passed on 28.4.2023)

This is the an bail application preferred by applicant/accused namely Aatmaram Gopalsingh Sable, under Section 439 of Cr.P.C. r/w sec.37 of N.D.P.S.Act, seeking release on bail in connection with Crime No.49/2021 registered with Police Station Shivaji Nagar Khamgaon for the offence punishable under sections 20(B)(ii) of the NDPS Act.

2. Heard learned advocate Mr.G.H.Ingle for applicant/accused, and learned APP Mr. P.T.Lahudkar for prosecution. Perused the say of prosecution filed on Exh.36 and heard arguments.

3. It is submitted on behalf of the applicant/accused that the applicant/accused is innocent and has not committed any type of offence as alleged. The father-in-law of applicant/accused namely Narsingh Lalchand Sable resided at Chinchkhednath, Tq.Motala and it is near Nandura, so the applicant/accused used to visit him from the vehicle No.2127/Q-6133 and other accused informed about travelling the said vehicle through Khamgaon and Nandura, hence they ready to give the left. The applicant/accused is the bonafide passenger and he has no concern with the seized article. He is falsely implicated in the

present crime. Applicant/accused is innocent and has not committed any type of offences as alleged. There is no prima facie case made out against this applicant/accused. He is behind the bar since the date of arrest i.e. from 4/1/2021. He is ready to comply the terms & conditions that may be imposed by the Court, while releasing him on bail.

The learned advocate for applicant/accused relied upon the case law-

Nasim Banu @ Lali Abdul Gani Shaikh V/s. The State of Mah.
Bail Appln.No.1721 of 2020.

Perused the case law.

4. The learned APP given say below Exh.36 and opposed the application. It is contended that the offence is very serious in nature and the applicant/accused has found 85.850 kgs of contraband substance and this is the third bail application of the applicant/accused and there are no change in circumstances. As per the NDPS Act, the applicant/accused is not entitled for bail. Hence prayed for rejecting the application.

5. Perused the charge sheet and documents on record, it is seen that huge commercial quantity of contraband substance i.e. ganja is found in possession of the applicant/accused. The charge in the present matter is also framed and the prosecution is ready to proceed with the matter. The C.A. report also shows that the seized

contraband article is ganja. Considering all these aspects, I am not inclined to enlarge the applicant/accused on bail. Hence, following Order:-

ORDER

Application Exh.33 is hereby rejected.

Date : 28.4.2023

(A. S. Wairagade)
Spl. Addl. Sessions Judge,
Khamgaon, Dist. Buldana.

Certificate

I affirm that the contents of this P.D.F. file order are same, word for word as per original order.

Name of Steno : Mrs. Nishat Anjum Mohd. Rafique.
Name of Court : Special Judge, Khamgaon.