

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE,
WASHIM, TQ.DIST.WASHIM.**

NDPS SPECIAL CASE NO. 24 OF 2022.

(CNR No.MHWS01-000570-2022)

Shaikh Yusuf Shaikh Suleman Vrs. State of Mah. Thr. PSO PS,
Risod, Tq. Risod, Dist. Washim.

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ORDER BELOW EXH.71.

(Passed on 08.11.2022)

1. This is second application filed by applicant/
accused Sk.Yusuf Sk.Suleman after filing of charge-sheet for
grant of regular bail under section 439 of the Code of
Criminal Procedure in Crime No.752/2021 of Risod police
station for the offences punishable under Section 8(c), 20(b)
(ii) and 29 of N.D.P.S. Act.

2. The prosecution case in brief is that :-

On 18/10/2021, PSI Santosh Ramesh Nemnar had
lodged report on behalf of State to Risod police station
alleging that on 18/10/2021, when informant and other
police personnel were discharging their duty at police station,
they received secret information that one Eicher vehicle
bearing registration No.MH28-BB-0867 came from Hingoli
transporting the 'Ganja'. Said vehicle is loaded with gunny
bags of cattle fodder and beneath those bags, there are
'Ganja'. Upon receiving this information, PSO Sarang Navalkar
went along with panch Shri Bansod, Nayab Tahsildar,
Sandeep Barde, photographer Santosh to Hingoli-Risod road
for conducting raid. During search of said vehicle, four

persons were found in the cabin including driver. Those are Gotiram Sable, Siddharth Gavhande, Pravin Chavan and Sandip Chavan. In that vehicle, there were 70 bags of cattle fodder, and beneath thereof, there were 56 bags of 'Ganja' found weighing about 11 quintal 50 Kg. Said 'Ganja' was seized and those four persons were arrested by the police and the FIR was registered vide Crime No.752/2021 under Section 8(c), 20(b)(ii) and 29 of N.D.P.S. Act.

3. During investigation, said seized truck found to be in the name of Mohammad Zaim Mohammad Ibrahim, resident of Nandura, District Buldhana. Police while verifying chasis number of said truck, they came to know that chasis number was not printed on truck. Therefore, they inquired with RTO office. Thereafter, during investigation, police came to know that said vehicle was purchased by accused No.10 from Satish Motors, MIDC, Akola. After inquiry with Tata Motors Finance Office in respect of said vehicle, they produced the sell documents to police. Therefore, the name of accused No.10 came to be added in FIR and Section 420, 201 of the IPC added.

4. According to advocate for applicant, previous application was rejected as investigation was in progress and charge-sheet was not filed. Now, charge-sheet is filed. Trial is not likely to commence in near future. Co accused are released on bail. Present applicant was arrested on 09/11/2021 and it was alleged that he was in contact with

accused Rahul. During PCR, nothing was found. Applicant was not found on the spot. He was not in possession of any 'Narcotic or Psychotropic Substance'. He is ready to abide all the conditions. Hence, prayed for grant of regular bail.

5. Learned Additional Public Prosecutor filed say at Exh.71 on application itself. He submitted that the earlier bail application of present applicant/accused has been rejected. There is no change in circumstances. There is money transaction between applicant and Rahul Sable, who is prima accused. Therefore, principle of parity is not applicable to this accused. If applicant is granted bail, he may commit offence again. Hence, prayed for rejection of the application.

6. While considering the application for bail, it is to be seen whether there is a reasonable ground for believing that the accused is not guilty of the offences he is charged with and further that is not likely to commit an offence under the said Act while on the bail.

7. On perusal of charge-sheet, allegations against the present applicant is that he has transferred Rs.20,000/- to the account of accused No.5 Rahul Sable on 15.06.2020. Except this, there are no other allegations.

Applicant is in jail since 09.11.2020. Thus, considering the material available against the applicant to show his involvement, *prima-facie*, it does not support the

case of the prosecution against the applicant. Thus, there is a reasonable ground to believe that, the applicant is not guilty of the alleged offence and since there are no criminal antecedents, there is further reasonable ground to believe that, if the applicant is released on bail, he will not commit the similar offence. Accordingly, I pass following order.

ORDER

- 1] Application is allowed.
- 2] Applicant/accused Sk.Yusuf Sk.Suleman, resident of behind Civil Court, Mehkar, Tq. Mehkar, Dist. Buldana, shall be released on bail, on executing P.R. bond of Rs.25,000/-[Rupees Twenty Five Thousands only] with one or two sureties in like amount in Crime No.752/2021 of Risod police station for the offences punishable under Section 8(c), 20(b)(ii) and 29 of N.D.P.S. Act, subject to following condition :
 - i) Applicant shall co operate Investigating Officer and shall remain present at the police station as and when required.
 - ii) Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, and also not to tamper with the evidence.
 - iii) State is at liberty to apply for cancellation of bail, in case the applicant commits similar offence or breach the condition.
- 3] Hamdast allowed.

Date: 08.11.2022.

(H. M. Deshpande)
Additional Sessions Judge,
Washim.

CERTIFICATE

I affirm that the contents of this P.D.F. file Judgment/Order are same word to word, as per the original judgment/order.

Name of Stenographer :- R.R.Bharad, Stenographer (Grade-I)
Name of Court :- Shri H.M.Deshpande,
District Judge-1 and Additional
Sessions Judge, Washim, Tq. Dist.
Washim.
Date of Judgment/ Order :- 08.11.2022
Judgment/Order signed by :- 08.11.2022
the Presiding Officer on
Judgment/Order uploaded on :- 08.11.2022