

**IN THE HIGH COURT OF BOMBAY AT GOA**

CRIMINAL APPLICATION ( BAIL ) NO. 335 OF 2008

SHRI. DIVAKAR A. PAGI PRESENTLY IN  
JUDICIAL CUSTODY PANAJI THROUGH  
BEST FRIEND RAGHVEN PAUGI

... Applicant

Versus

STATE THROUGH SUPERINTENDENT  
ATTACHED TO CUSTOMS AND CENTRAL  
EXCISE AND ANR.,

... Respondents

Mr. Rohit Bras De Sa, Advocate for the Applicant.  
Mr. J. Vaz, Special P.P. for the Respondents.

Coram:- F.I. REBELLO, J.

Date:- 31st December, 2008

P.C.:

This is an application for bail by Shri Divakar A. Pagi. His application for bail before the NDPS Court was rejected by order dated 12/12/2008. The contention on behalf of the petitioner is that no case is made out against him under the provisions of the NDPS Act and consequently he is entitled to be released on bail. On behalf of the respondents statements recorded of the co-accused have been placed before this Court in which it is disclosed that the applicant was one of the recipient of money. Apart from that there is also material to show that gratification was offered to the Customs Officers. We may also gainfully refer to the observations made in para 3 of the order of the learned Special Judge which indicates that on the trap being laid the applicant was one of those caught red handed with the bribe amount in presence of two witnesses.

2. Prima facie, considering the provisions of Section 27(A) r/w Section 2(a)(v) of the NDPS Act and considering the provisions of Section 37 of the NDPS Act, I am of the opinion that this is not a fit case for granting

application for bail. Hence, application rejected.

F.I. REBELLO, J.

NH