

MHCC020203872025



**IN THE SPECIAL COURT FOR NARCOTIC DRUG AND
PSYCHOTROPIC SUBSTANCES ACT, 1985, AT GR. BOMBAY**

ORDER BELOW BAIL APPLICATION (EXHIBIT NO-03)

IN

SPECIAL CASE (NDPS) NO. 2598 OF 2025

Pankajkumar Jitendra Jaiswal,	]	
Age.: 22 years, Occu.: -Courier Boy,	]	
R/o.: Mahuapur village, Saint Ravidas	]	
Nagar, Dist. Bhadohi, Uttar Pradesh	]	 Applicant/Accused.

Versus

The State of Maharashtra	]	
(At the instance of Sakinaka Police	]	 Prosecution.
Station, Vide Crime No. 590 of 2025)		

Appearance :-

Ld. Adv. Mr. Mahesh Subramaniam, for Applicant/accused.

Ld. APP Mr. S. S. Panjwani for the Prosecution.

**CORAM : UMESH K. SORTE,
SPECIAL JUDGE, NDPS,
(C.R. NO. 47)**

DATE : 13th DAY OF AUGUST, 2026

ORDER

The applicant/accused **Pankajkumar Jitendra Jaiswal**, has filed present application under section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) seeking regular bail after charge-sheet

in connection with Crime No. 590 of 2025, registered with Sakinaka police station for the offence punishable under Section 8(c) read with Section 22 (c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short “NDPS Act”).

2. Heard learned Advocate Mr. Mahesh Subramaniam, for accused and learned APP S. S. Panjwani for the prosecution. Read application, say filed by the prosecution and the documents placed on record.

Brief facts of the case of prosecution:

3. The prosecution case, in brief, is that on 19.06.2025, the informant PC Karande alongwith other police personnel were on night duty. On 20.06.2025 at 01.40 p.m, API Vanave, PSI Pardeshi, HC Pawar and HC Khairmode were on patrolling duty. When they reached near Udyog Bhavan, Satyanagar Pipe Line Road, 90 Feet Road, Sakinaka, Mumbai, they found the present accused, moving in suspicious manner. Therefore, they arrested him and took his personal search in presence of PI Kshirsagar and panch. During his search, the accused was found in conscious possession of 500 grams of M.D. (Mephedrone). The said contraband was recovered and seized as per procedure laid down under the NDPS Act. Thereafter, the accused was arrested and Crime No.590 of 2025 was registered for offences punishable under Section 8(c) read with Section 22(c) of the NDPS Act, 1985. After completion of the investigation, the police filed the charge-sheet against the present accused and the other accused for the offences punishable under Section 8(c) read with Section 22(c) of the NDPS Act.

Submissions on behalf of accused:

4. Learned Advocate submitted that the accused is innocent and has been falsely implicated in the present case. There are discrepancies regarding the date and time of arrest. According to the prosecution papers, different timings of arrest are mentioned in the FIR and the charge-sheet. However, according to the accused, he was actually apprehended on 19.06.2025 at Thane Railway Station while returning from his native place. The police had taken the accused to his native place and had also questioned his friend, Kamlesh, but no incriminating material was found against either of them. His friend was not arrested. No recovery is to be made from the accused. There are no independent witnesses to support the prosecution case. There is no reliable material connecting the accused with the alleged offence. The accused has co-operated with the investigation and is ready to continue co-operating whenever required. He is willing to comply with all conditions imposed by the Court. The accused is a permanent resident of India and there is no possibility of his absconding. He will not tamper with the prosecution evidence or influence any witness. He is ready to face the trial and attend the Court on every date of hearing. No purpose will be served by keeping the accused in further custody. Therefore, learned advocate prayed that the accused be released on regular bail.

Submissions of the prosecution:

5. Per contra, the learned APP and Investigating Officer have resisted the application by filing reply. The learned APP submitted that the accused was found in conscious possession of 500 grams of M.D, a commercial quantity of contraband. The contraband was seized under a proper panchnama in the presence of panch witnesses. The accused is permanent residents of Uttar Pradesh. If the accused released on bail,

there is every possibility that he may not be available for trial and he may again indulge in similar offences. Also, his presence could not be secured during trial. Hence, the learned APP requested that the bail application may be rejected.

Considerations and findings:

6. Section 37(2) of the NDPS Act provides that the restrictions on grant of bail under Section 37(1)(b) are in addition to the limitations contained in the BNSS relating to bail. The object of Section 37 is to prevent the illegal trafficking of narcotic drugs and psychotropic substances. The stringent conditions are imposed keeping in view the serious impact of drug offences on society. These restrictions are in public interest. While considering a bail application involving commercial quantity, the Court has only to see whether the conditions prescribed under Section 37 of the NDPS Act are satisfied. Before granting bail, the Court must be satisfied that there are reasonable grounds for believing that the accused is not guilty of the alleged offence. The Court must also be satisfied that the accused is not likely to commit any offence while on bail. These are the twin conditions prescribed under Section 37(1)(b) of the NDPS Act. Unless both these conditions are satisfied, the discretion to grant bail cannot ordinarily be exercised. Therefore, the case has to be examined keeping in view the statutory restrictions contained in Section 37 of the NDPS Act.

7. I have carefully perused the application and reply of the prosecution. The offence registered against the accused is punishable under Section 22(c) of the NDPS Act which carries, punishment with rigorous imprisonment for a term which shall not be less than ten years but which may extend to twenty years and shall also be liable to fine

which shall not be less than one lakh rupees but which may extend to Rupees Two Lakhs.

8. Prima-facie record reveals that the contraband 500 grams of M.D was recovered from the possession of the accused. Admittedly, the seized contraband falls within commercial quantity. The recovery coupled with the prosecution case, prima-facie indicates his involvement in the alleged offence. Since the quantity seized is commercial quantity, therefore, the bar under Section 37 of the NDPS Act is applicable.

9. At this stage, it is neither necessary nor proper to undertake a detailed appreciation of the evidence or to record any finding on the merits of the case. Such issues will be decided during trial after the evidence is led.

10. The learned advocate for the accused further submitted that the investigation is over and the charge-sheet has been filed. Therefore, custody of the accused is no longer required for the investigation. However, mere filing of the charge-sheet does not confer an absolute right to be released on bail.

11. The accused is permanent resident of the Uttar Pradesh. Considering his place of residence, the possibility of his absconding cannot be ruled out. The accused has not shown any exceptional circumstance, such as serious illness, old age, or any other special ground warranting his release on bail at this stage.

12. Having regard to the nature of the allegations, the possibility of

tampering with evidence or influencing witnesses cannot be ruled out if the accused is released on bail. I do not find any sufficient ground to exercise discretion in favour of the accused. In these circumstances, I am of the view that the accused has not made out a case for grant of bail. Hence, I pass the following order:

ORDER

1. The Bail Application (Exh.03) in NDPS Special Case No.2598 of 2025, is rejected.
2. Bail Application (Exh.03) in NDPS Special Case No.2598 of 2025, is disposed of accordingly.

sd/-

(UMESH K. SORTE)

Special Judge (NDPS) and
Additional Sessions Judge,
Court Room No. 47

City Civil and Sessions Court,
Gr. Bombay.

Date : 13.08.2026.

Dictated directly on Computer : 13.08.2026

Typed on : 13.08.2026

Checked & Signed by HHJ on : 13.08.2026

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED ORDER.”		
UPLOAD DATE	TIME	NAME OF THE STENOGRAPHER
13.08.2026	05.55 p.m.	Mr. Mohit M. Patange Stenographer (Grade-I)

Name of the Judge	H.H.J. U.K. Sorte (Court Room No.47)
Date of pronouncement of Order	13.08.2026
Order signed by P. O. on	13.08.2026
Order uploaded on	13.08.2026