

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

**ORDER BELOW EXH.51
(Bail Application)
IN
SPECIAL CASE NO.378 OF 2024**

Sachin Sahebrao Wagh

..Applicant/accused No.16

Versus

The State of Maharashtra
(At the instance of Sakinaka
police station)

.. Respondent/Prosecution

Appearance :-

Mr. Sugat P. Ingle, Advocate for applicant/accused

Mr. Shankar Erande, APP for State/Respondent.

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Name of the Police station /Agency	MHB Colony
Crime Number	787 of 2023
Offences registered against applicant/accused	Section 8(c) read with sections 22 (c), 25, 27(a), 29 of the NDPS Act read with section 3, 25 of the Indian Arms Act read with section 37(1), 135 of the Maharashtra Police Act.
Case Number	378 of 2024
Nature of Bail Application	Regular Bail U/sec.439 of CrPC
Date of Offence	08.08.2023
Date of arrest of the applicant/accused	19.10.2023
Date of filing of the charge-sheet	02.02.2024
Date of earlier bail application, if any	First Bail Application
Quantity of the contraband recovered	164 Kilo 172 grams of Mephedrone (MD)

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**CORAM : R. K. DESHPANDE, SPECIAL JUDGE
COURT ROOM NO.43**

DATE : 04th AUGUST, 2026

ORAL ORDER

Applicant/accused **No.16 Sachin Sahebrao Wagh** has filed this application for bail in connection with Crime No.787 of 2023 registered with **Sakinaka police station** for offence punishable under section **8(c)** read with sections **22 (c), 25, 27(a), 29** of the NDPS Act read with section **3, 25** of the Indian Arms Act read with section **37(1), 135** of the Maharashtra Police Act.

2. According to the applicant/accused that he is innocent and falsely implicated in the present case. He has no connection with the contraband recovered from co-accused. The seized bulk has been manipulated with from the date when it was seized to it being forwarded to the CA. There is no material put forth by the prosecution to establish any nexus of the applicant with co-accused to constitute the offence under section **29** of the NDPS Act. The mandatory provision of sections **42, 50 and 52(A)** of the NDPS Act, have not been complied. Applicant is having permanent residence and deep roots in the society. There is no possibility of his absconding. Since **28** months i.e. from the date of his arrest on **19.10.2023**, he is in jail. Other co-accused whose case stands on same footing are released on bail. Therefore on the ground of parity he may also be released on bail. He will abide by all the terms and conditions as imposed by this Court. Accordingly, applicant prayed for his release on bail.

3. Investigating Authority through learned APP filed his reply and strongly opposed the application on the ground that in the present case in all 20 accused persons have been arrested. Total 164 kilo 172 grams of Mephedrone (MD) amounting to Rs.325 Crores, 55 lakhs, 10 Thousand (international market rate). Present applicant has helped the accused No.15 Lalit Patil, in fleeing away from Sasoon Hospital, Pune. Moreover, on the say of accused No.15, applicant has collected the contraband manufactured at the factory situated at Shindegoan, MIDC, Nashik. Applicant has hide the contraband at afforestation of Satavachi Wadi, Devraee Taluka, Nashik District. On the basis of confessional statement of applicant, **12.5777** kilo grams of Maphedrone have been recovered and seized by the Investigating Officer. Police machinery on the say of applicant, has put the raid on the factory where narcotic drugs alleged to be manufactured by accused Nos.12, 13, 14, 16, 18 19 and 20 wherein narcotic drugs have been seized. During the investigation, from the CDR analysis it revealed that applicant and accused No.14, 15, 19, 20 were in phone contact with each other. If the applicant is released on bail then there is every possibility that he may indulge again in similar crime. Though charge-sheet is filed but investigation in respect of search of wanted accused who runs the narcotic factory, is going on. Hence, application is liable to be rejected.

4. Perused the record. Heard both sides.

5. On perusal of record, it reveals to me that **08/08/2023** at around **5.50** hours in the morning, while patrolling when Sakinaka police team came near Targalli, Andheri Kurla Road, Sakinaka, Mumbai-**72**, they notice accused No.1 Anwar Afsar Sayyed, near Vijay Kabarstan.

He was acting in a suspicious manner and he was holding black colour bag. Looking towards his suspicious activity, his search was taken by following due procedure under the NDPS Act. **10** grams of MD was recovered from the said black colour bag. Same was seized under the panchanama and he was arrested. During inquiry, accused No.1 disclosed that he has purchased the said MD from accused No.2 Javed Ayub Khan. Accordingly, the trap was laid. Accused No.2 along with accused No.3 were came to be arrested. Accused No.2 was found with **60** grams of MD. Accused No.3 was found with **10** grams of MD and cash worth **Rs.3,00,000/-**. They both disclosed that they have brought the MD from accused Arif China, Sunder Shaktivel, Hasan Shaikh and Aayb Abdul Sayyed. During the course of investigation, in all **20** accused persons including present applicant as a co-accused have been arrested in the present case.

6. In respect of present applicant, record indicate that when Investigating Agency arrested the accused Lalit Patil, at that time applicant Sachin Wagh and one Harshad Bhadane were also taken into custody. After interrogation, both Sachine Wagh and Harshad Bhadane were allowed to go by the police. However, on 18.10.2023, when applicant Sachin Wath, again called for interrogation, his role in the present crime has been attributed i.e. he helped the accused No.15 Lalit Patil, in fleeing away from Sasoon Hospital, Pune. Moreover, on the basis of confessional statement of applicant, **12.5777** kilo grams of Mephedron have been recovered and seized by the Investigating Officer, which applicant has hide at afforestation of Satavachi Wadi, Devraee Taluka, Nashik District.

7. Advocate for applicant vehemently argued that there is no prima facie sufficient material on record to establish the applicant's involvement in alleged crime. Some of the accused are already released on bail. There is no antecedent to discard the case of applicant and applicant has been falsely implicated only on the say of co-accused. There is no mandatory compliance on the part of prosecution after arrest of accused. By mentioning certain other facts which according to him are very relevant, he prayed for releasing the applicant on bail.

8. On the other hand, learned APP for the State submitted that recovery of huge quantity of contraband from applicant himself is already done and this fact itself shows that applicant is directly involved in the present crime. In support of his submission he placed reliance upon the verdict of **Union of India, NCB Vs. Khaliluddin, 2022 Live law Supreme Court 878** wherein Hon'ble Apex Court has observed that "the rigors of law laid down in **Tufan Singh** case is applicable even at the stage of bail. The Hon'ble Supreme Court set aside the order of Hon'ble High Court of granting bail and took the accused in custody, because large quantity of contraband has been found in the car driven by the accused". Learned APP for State submitted that in the case in hand, around **12.5777 kg** of contraband MD has been seized and recovered from the applicant. Therefore, burden is on him to prove that he was not aware about the seized contraband. The word 'conscious' is related with mental state of a person, so once the contraband is found in the possession of accused, the burden is on the accused to prove that he is not aware about it.

9. In the light of submission advanced before this Court, I have carefully gone through the record. Admittedly, the offence under section **22(c)** of the NDPS Act, pertains to involving “commercial quantity of Psychotropic substance” and same is punishable with Rigorous Imprisonment not less than **10** years which may extend upto **20** years with fine not less than **Rs.1** lakh which may extend to **Rs.2** lakhs. Record show that on the basis of interrogation and statement given by applicant, there is recovery of huge quantity of contraband as mentioned above. The applicant is directly involved in the drug trafficking. There is direct link between the applicant and other co-accused with the alleged crime. So in view of the quantity seized more than commercial quantity as defined under the NDPS Act, the rigors of section 37 of the said Act is attracted to the present case.

10. Investigation in this crime has been completed and charge-sheet is filed. The applicant has been arrested on **19.10.2023**. Role prima facie attributed to the applicant is drug trafficker. So, looking the nature of offence coupled with the role played by applicant in the commission of this crime, in my opinion, there is no justifiable ground to grant bail to the applicant at this stage.

11. No doubt, though the charge-sheet is filed in this crime, but according to learned APP for the State further investigation is well in progress about tracing of wanted accused persons which are likely involved in this crime. In such situation, if applicant is released on bail at this early stage, then possibility of his fleeing away from the trial cannot be ruled out. So looking overall circumstances coupled with

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serious nature of offence this Court is not inclined to allow present applicant. With these words, I proceed to pass following order.

ORDER

Bail Application **Exh.51** in Special Case No.378 of 2024 stands rejected and disposed of accordingly.

Date : 04.08.2026



(R. K. Deshpande)
Special Judge, N.D.P.S.
Court Room No.43,
City Civil & Sessions Court,
Gr. Bombay

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“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER”		
UPLOAD DATE	TIME	NAME OF STENOGRAPHER
05.08.2026	4.40 p.m.	Shilpa P Pawar Stenographer (Grade-I)
Name of the Judge		H.H.J. R. K. Deshpande NDPS Spl. Judge (C.R.No.43)
Date of Pronouncement of Order		04.08.2026
Order signed by PO on		05.08.2026
Order uploaded on		05.08.2026