

MHAK010013822025



**SPECIAL CASE (NDPS) NO.75/2025.**

STATE OF MAHARASHTRA VS. ADIL MOHAMMAD SHAMIM ANSARI  
& OTHERS.

Applicant : Mohd. Ashraf Rain.

**ORDER BELOW EX.26.**

(Date : 17.06.2025)

Applicant/accused Mohd. Ashraf Rain has sought pre-arrest bail under S.482 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with crime No.532/ 2024 registered with Barshitakli police station, Tq. Barshitakli, Dist. Akola for the offence punishable under S.8(c), 22(c), 25 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 and S.318(4), 336(3), 338, 341, 238 of Bharatiya Nyaya Sanhita, 2023 & S.135 of Indian Electricity Act, 2003.

2) Brief facts of the prosecution case are as under :

On 24.10.2024, informant PI Shankar Shelke, LCB, Akola lodged FIR. On 23.10.2024, he alongwith other police staff was on patrol duty within limits of Barshitakli Police Station. At about 18:00 hours, he received secret information that psychotropic substance Mephedrone (MD) was manufactured in the premises of defunct ginning mill of Mohd. Shafi situated on Barshitakli - Mahagaon road. The information was that said drug was manufactured for purpose of sale. Informant immediately intimated to Superintendent of

Police, Akola. Thereafter, he sent written intimation to SP, Akola through police constable and took entry in station diary of Barshitakli police station.

**3)** When informant received permission from SP, Akola to conduct raid, he called for two panchas and Gazetted Officer. He called photographer with camera and video camera. He called a person with electronic weighing scale. After making necessary preparation, the informant with raiding party and other personnel went to the ginning mill. When they entered the premises of the mill, they found one TATA Zest white coloured car bearing registration No. MH-47-N-6379 in which one person was loading something and two persons were present in the nearby room. Two big ovens were kept in front of the room. Police found accused (1) Pavan Muddanar, (2) Adil Mohd. Shamim Ansari, (3) Firoz Khan Shabbir Khan, (4) Nisar Niyazi Mukhtar Niyazi and (5) Mohd. Irfan Mohd. Yousuf on the spot. Raiding party introduced themselves. The accused persons disclosed that Ephedrine is manufactured from various chemicals and articles kept in the premises. After following usual procedure, raid was conducted.

**4)** The police found substantial muddemal articles in the premises as below :

- (a) Ephedrine powder contained in 22 plastic packets, total 5548 gms. worth Rs.1,38,70,000/-;
- (b) 133 Kgs. Soda ash;
- (c) 410 Ltrs. Acetone;

- (d) 60 Ltrs. Chloroform;
- (e) 40 Ltrs. Methamphetamine (M.M.);
- (f) 140 Ltrs. Prepolphinol (P.P.);
- (g) Various articles like tubs, heating instruments, tripod, weighing glasses, porcelain mug, two hot air ovens used to dry Ephedrine, generator, glass mugs, water pump, weighing scale and other articles used to manufacture Ephedrine.

**5)** After taking samples and following usual procedure, police seized the muddemal articles. Tata Zest car was also seized. Total worth of seized muddemal is Rs.2,38,70,000/-. After completion of the procedure, FIR was registered. Apprehending arrest, applicant has sought pre-arrest bail.

**6)** The State has opposed bail application on various grounds.

**7)** Learned advocate Mr. Tabish Mooman for the applicant has submitted that applicant Mohd. Ashraf is arraigned as accused no.10 in the charge-sheet. Allegations against this applicant are that he made bills in the name of Sun Trading and Devaadi Conchem. In effect he fabricated bills to help the other accused persons. Lal Bahadur confessed that he made false bills as per instructions of accused Sanjeev Singh. So allegations against this applicant are false. It is alleged that Sanjeev Singh made phone calls to present applicant. In Sanjeev Singh's phone, such contact is referred as "Khan ka beta". In Jatin Doshi's phone, the

contact is saved as “Azam Bhai - 2”. Present applicant has no concern with those contacts found in the cell phones of aforesaid accused persons. These are not the contacts of present applicant. Screen shot of communication with co-accused shows that it is a list of lab articles or chemicals only. Statement of Sunil Patil does not disclose name of present applicant. He has talks with accused Jatin only. Jatin is released by Hon'ble Bombay High Court. Hence, present applicant is entitled for bail. Custodial interrogation is not necessary. The applicant has no concern with the alleged offence. He is ready to abide by conditions of bail. He is a student who has just completed graduation.

**8)** Learned Spl. P.P. Mr. R. M. Akotkar has submitted that the offence is serious in nature. He has pointed out facts mentioned in say filed by Investigating Officer to show the role of present applicant in the offence. Seized contraband is Mephedrone. Though charge-sheet is filed, investigation as to present applicant is not effectively carried as he is absconding. He played vital role in supply of the chemicals and articles required for manufacturing Mephedrone. Hence, his custodial interrogation is necessary to find out vital links in the commission of offence. If accused is granted bail, there is likelihood of tampering and absconding. He has strongly opposed the application.

**9)** In FIR, large number of chemicals and other articles alongwith 5.548 Kgs. Ephedrine powder were seized on the spot. Value of seized Ephedrine is around 1.38 Crores.

Ephedrine is controlled substance. Raiding officer received information that manufacturing of Mephedrone was going on. Samples from the seized substance were taken and sent for chemical analysis. The report of chemical analysis returned with finding that seized substance is Mephedrone (MD). It is needless to say that Mephedrone is much more valuable and it is pertinent to note that commercial quantity of Mephedrone is only 50 gms. whereas Ephedrine is not covered as narcotic drug or psychotropic substance and the term “commercial quantity” is not applicable to it. Seized Mephedrone is 5.548 Kgs. and it is more than 100 times that of commercial quantity. Needless to say that seized contraband has its worth in Crores of rupees.

**10)** Mr. Mooman has submitted that present applicant is allegedly having contact with Jatin Doshi only. Since Hon'ble Bombay High Court granted bail to Jatin, there is no reason to deny bail to present applicant. This argument cannot be accepted on two counts. Firstly, Jatin was granted regular bail by Hon'ble High Court whereas present applicant is seeking anticipatory bail. Hence, question of parity does not arise. Secondly, the substance seized during the raid was believed as Ephedrine. Till decision of the bail application of Jatin Doshi by Hon'ble Bombay High Court, the seized substance was not confirmed as Mephedrone (MD). Hon'ble Bombay High Court discussed in detail the status of Ephedrine as controlled substance. Hence, Hon'ble High Court also discussed that the question of commercial quantity

does not arise as well as bar under S.37 of the NDPS Act is not attracted. After the report of Chemical Analysis, seized substance is found as Mephedrone. Hence, the issue of commercial quantity as well as bar under S.37 of the Act comes into play. Consequently the applicant cannot take benefit of the bail order passed in favour of co-accused Jatin Doshi.

**11)** Considering quantity of seized Mephedrone, bar under S.37 is applicable. Ld. Spl. P.P. has opposed the bail application. As I have already stated, result of chemical analysis is prima-facie evidence that seized substance is “Mephedrone (MD)”. To escape from the bar under S.37, it is necessary for the accused to prima-facie show that he is not guilty of the offence.

**12)** Here, number of accused are involved in manufacture of MD. They played different roles. It could be a case that more persons than already discovered might be involved in the offence. The offence is committed by number of persons working as a syndicate. Accused Adil Ansari, R/o. Mumbai was contacted by one “Shera” on international phone call to manufacture the substance. Accused Adil with the help of accused Nisar and other co-accused arranged for manufacture of Mephedrone in a defunct ginning mill situated at Barshitakli, Tq. Barshitakli, Dist. Akola. Say filed by the Investigating Officer claims that present applicant Ashraf was in contact with Shera. It is alleged that he in collusion with accused Jatin Doshi and Sanjeev Singh, arranged for supply

of chemicals and laboratory articles required to manufacture Mephedrone at the manufacture site.

**13)** From the investigation papers it becomes clear that police seized cell phones of co-accused Sanjeev Singh and Jatin Doshi. In cell phone of Sanjeev Singh, contact number of present applicant was saved as “Khan ka Beta”. In cell phone of Jatin Doshi contract number of present applicant was saved as “Azam Bhai 2”. Though it is submitted by Mr. Mooman that these are not names of the applicant or he has not concern in any manner with those contacts, it is quite obvious that in case of such shoddy transactions, no real names are mentioned against saved contacts. Some nicknames or short forms are mentioned to save contacts so that concerned accused can wriggle out in case of difficulty from legal mess. In the inspection panchanama of the cell phone of accused Sanjeev Singh, there is extensive chat between him and present applicant saved under the name “Khan ka Beta”. Some bills and other files in the form of photographs, purchase order, invoice of various chemicals and materials were sent back and forth by both of them. Similarly there is extensive communication between accused Jatin Doshi and present applicant on Whatsapp and similar transfer of various documents, photographs, bills, etc. Photographs of the screenshots of Whatsapp chats between Jatin and present applicant show that many call logs were deleted by both of them. Still some lists of chemicals and equipments were found in the communication. Name and

address of GST number of Devaadi Conchem, Akola in whose name the chemicals and equipments were sent also features in their conversation. From the investigation papers, it appears that present applicant in collusion with Sanjeev Singh and Jatin Doshi arranged for supply of chemicals and equipments required for manufacturing Mephedrone. For that purpose, they got prepared false bills in the name of Sun Trading as well as Devaadi Conchem for smooth transport of required material. Accused Nisar at the instance of co-accused Adil Ansari and Imran Khan took delivery and transported chemicals received from co-accused Jatin Doshi to manufacturing site.

**14)** Mr. Mooman has submitted that from the statement of Lal Bahadur, it becomes clear that he confessed to make false bills as per instructions of Sanjeev Singh. This is wrong submission. The statement shows that he stopped business in the name of Sun Trading. When police made enquiry with him and he asked Sanjeev Singh about fabrication of bills in the name of his firm to stop the business, Sanjeev Singh admitted of fabricated of those bills. Investigation shows that Ashraf was dealing in the chemicals and equipments as broker. Statement of Sunil Patil relied by Mr. Mooman shows that he used to transport materials for accused Jatin Doshi who is a chemical supplier. The same statement shows that he knows present applicant Ashraf who acts as a broker. Ashraf told Sunil Patil to transport his materials whenever required. From the Whatsapp chats

between present applicant, Jatin Doshi and Sanjeev Singh as well as the statements of Lal Bahadur and Sunil Patil, it becomes clear that present applicant with the help of co-accused Sanjeev Singh and Jatin Doshi arranged for the chemicals and equipments required for manufacturing Mephedrone and got fabricated bills required for smooth transport of such material. A student has no reason to be in extensive contact with co-accused Sanjeev and Jatin making demand of such materials on large scale. When the applicant arranged for such large scale material supply which can be used in manufacture of Mephedrone, he cannot say that it is a mere arrangement for supply of chemicals and equipments and he has no concern with the use of such material made by other accused persons. The very fact that he arranged for fabricated bills itself shows that he had greater role than claimed and he acted as a part of syndicate involved in manufacturing of Mephedrone. As I have already mentioned the seized quantity of Mephedrone is staggering. Furthermore, when a syndicate acts in such a manner, none of them can shirk his responsibility by stating that he was not found with contraband. Say filed by Investigating Officer contains that this applicant was in contact with accused Shera whose details are unknown till now. He asked accused Adil for manufacturing Mephedrone for selling in international markets and this angle is to be investigated properly. Say shows that cell phone of the applicant is to be seized. His interrogation regarding supply chain of Mephedrone is necessary.

**15)** Considering aforesaid activities conducted by the accused, it is not possible to arrive at the conclusion that there is reasonable grounds for believing that the applicant is not guilty of such offence. To record satisfaction that he is not likely to commit any offence while on bail comes much later. Furthermore, the conditions under S.37 of the Act are primarily for the arrested accused. Case of the accused seeking anticipatory bail is on much difficult pitch.

**16)** Net result of aforesaid discussion is that bar under S.37 of the NDPS Act is applicable. Investigation in respect of present applicant has to be conducted. Considering his role in the entire events constituting the offence, his custodial interrogation is necessary. This is not fit case to grant pre-arrest bail to the accused. Hence, following order.

**ORDER.**

Application is rejected.

Date:- 17.06.2025.

[ A.D. Kshirsagar ]  
Special Judge  
Special Court under NDPS Act,  
Akola.

N.V. Khokale (Stenographer)  
Date of uploading : 17.06.2025.