

IN THE COURT OF SESSIONS AT AKOLA.
(Presided over by Smt. S.R. Pahade, Addl. Sessions Judge)

Spl. NDPS Case No. 78/2025

State of Maharashtra
Vrs.
Biku Abraham Mandal and others

Applicant- Biku Abraham Mandal

ORDER BELOW EX.19

[Passed on 20.06.2025]

1. Accused-Biku Abraham Mandal has filed present application for bail under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023 pending the trial in connection with Crime No. 406/2024 registered with GRP Police Station, Akola for the offences punishable under Sections-20(b)(ii)(c), 29 of NDPS Act 1985.
2. The applicant contends by the applicant that on 26.10.2024 P.C. Kapil Gawai was on patrolling duty near booking office at Railway Station, Akola. He and other staff found accused Juel Manga Sabar and Biku Mandal resident of Orissa in suspicious condition. Their search resulted in seizure of 24.700 gm. Ganja worth of Rs. 3,70,000/-. Hence, FIR came to be registered.
3. During investigation, it was revealed that another accused Shrikant supplied Ganja to them.

Accused is in MCR since 27.10.2024. He has no criminal antecedents. The applicant is young aged person. He has having small child. The investigation is completed. The Hon'ble High Court of Nagpur has granted bail to Sushant@ Shrikant Parhuram Nayak. Hence, the parity is applicable to this applicant. The mandatory provisions of Sections-42,55 and 57 of NDPS Act are not applied. There is delay in sending samples for FSL. The Court can impose strict conditions for bail in commercial quantity cases. The seizure panchanama and arrest memo was not properly made. Applicant is ready to abide conditions.

4. The prosecution has filed reply at Exh. 18. It is submitted that the offence is serous and cognizable and non-bailable. The applicant and other accused were found in possession of 24.700 grm. Ganja. If The applicant is released on bail, he will repeat the offence. One accused is still absconding. There is possibility of absconding of the accused, if released on bail. With this, prosecution has prayed to reject the application.
5. Heard Advocate for the applicant and APP for the State. Perused say filed by the prosecution and the charge-sheet. The applicant and co-accused are charge-sheeted by the GRP Police Station on

accusation that on 26.10.2024 when Police Constable and other staff were in patrolling duty, they found some persons in suspicious condition and after searching, they found 24.700 gram Ganja from them. It was revealed during investigation that the applicant/accused is resident of Orissa.

6. Perusal of charge-sheet, prima-facie there is sufficient material to show that the applicant is involved in commission of this crime and he is found in possession of Ganja of commercial quantity. As far as ground of parity is concerned, the Hon'ble High Court while granting bail to co-accused-Sushant @ Shrikabnt Nayak observed that except the statement of co-accused, there is no other material to connect the present applicant in alleged offence. In CDR Report, nowhere shows any communication between the applicant and other co-accused. In the present case, the Ganja came to be seized from the applicant, thus the role of present applicant is different. Therefore, the ground of parity is not applicable to the applicant/accused. As such, applicant has failed to make out case for grant of bail. Hence, I proceed to pass the following order. Hence, I proceed to pass the following order.

ORDER

Application is hereby rejected.

Date :20.06.2025

[Smt. S.R. Pahade]
Additional Sessions Judge,
Akola.

Certificate

I hereby certify that the contents of this PDF file are same word for word as per original order:

Name of Steno : Shamim Sayed
Court's Name : District Judge-2 & A.S.J., Akola
Date : 20.06.2025
Signed by PO : **20.06.2025**
Uploaded on : 21.06.2025