

CNR No.MHCH010000212026



Order below Exh.08
(Passed on 17.03.2026)

1. The present application is filed by the accused **Waseem Khan Imdad Khan** under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking his release on bail in connection with Crime No. 151/2025 registered with the Padoli Police Station for the offences punishable under Sections 8(c), 21(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, “NDPS Act”).

2. Heard learned Advocate Shri D.S. Shrimali for the applicant and learned Addl. Public Prosecutor for the State Shri S.B. Nagpure. Perused the case papers.

3. The prosecution case, in brief, is that on receipt of secret information, the police intercepted a car in which the present applicant along with three other persons was travelling from Mumbai. Upon search, 528 grams of Mephedrone (MD), which is a psychotropic substance, came to be allegedly recovered. Crime came to be registered accordingly. During investigation, only the present applicant has been chargesheeted, whereas the other three occupants of the vehicle have not been arraigned as accused, the prosecution having

treated them as not connected with the contraband.

4. Learned Advocate for the applicant submitted that the applicant has been falsely implicated. It is contended that there are serious procedural lapses in the investigation. It is submitted that the mandatory provisions of Section 42 of the NDPS Act have not been complied with, as the time of communication to superior officers is not mentioned. Further, the compliance of Section 50(1) of the NDPS Act is also doubtful as the presence of a Gazetted Officer is not properly established and the notice does not bear proper signature. It is further submitted that though four persons were travelling in the vehicle, only the present applicant has been chargesheeted without proper basis. It is also contended that the seizure panchanama creates doubt regarding the manner of preparation and that the signature of the accused was not obtained at the time of seizure. On these grounds, learned counsel prayed for grant of bail.

5. Per contra, the learned Addl. Public Prosecutor strongly opposed the application and submitted that commercial quantity of Mephedrone i.e. 528 grams has been recovered from the possession of the applicant. It is submitted that the provisions of Section 37 of the NDPS Act are attracted and there is *prima facie* material against the applicant. Hence, it is prayed that the application be rejected.

6. I have carefully considered the submissions and perused the material on record.

7. The record prima facie indicates that 528 grams of Mephedrone has been seized in the present case. As per the statutory notification, the said quantity falls within the ambit of commercial quantity. Therefore, the rigours of Section 37 of the NDPS Act are clearly attracted.

8. Learned Advocate Shri D.S. Shrimali for the applicant placed reliance on the judgment of the Hon'ble Bombay High Court in Criminal Bail Application No.2254/2024 decided on 04 March, 2025, wherein various guidelines and directions were issued to the investigating officers regarding proper compliance of statutory provisions while registering FIR and conducting investigation. It has been observed therein that the system needs to invest in educating statutory officers so as to enable them to discharge their wide powers with legal prudence and in accordance with prescribed procedure. Relying on the said judgment, it is contended that in the present case, such guidelines have not been properly followed and, therefore, the prosecution case is vitiated and amounts to abuse of process of law. On these grounds, learned counsel prayed for grant of bail.

9. It is true that in the said case, even though commercial quantity was involved, the Hon'ble High Court,

upon appreciation of the material, recorded *prima facie* satisfaction regarding the twin conditions under Section 37 of the NDPS Act, particularly observing that the applicants therein were medical representatives and are not likely to re-offend, considering their background and the nature of allegations. However, the facts of the present case are clearly distinguishable. In the present matter, the accused Waseem Khan Imdad Khan is *prima facie* found in possession of commercial quantity of contraband i.e. 528 grams of Mephedrone, and no satisfactory explanation is forthcoming from his side regarding such possession. The material on record indicates *prima facie* conscious possession of the contraband.

10. In such circumstances, this Court is unable to record satisfaction that there are reasonable grounds for believing that the applicant is not guilty of the alleged offence. Further, there is no material to indicate that he is not likely to commit any offence while on bail. Therefore, the twin conditions as contemplated under Section 37 of the NDPS Act are not satisfied in favour of the applicant, and the reliance placed on the aforesaid judgment does not advance the case of the applicant.

11. In view of Section 37 of the NDPS Act, bail cannot be granted unless this Court is satisfied that there are reasonable grounds for believing that the accused is not guilty of such offence and that he is not likely to commit any offence while on

bail. The said conditions are mandatory and are required to be satisfied cumulatively.

12. At this stage, the material on record shows prima facie involvement of the present applicant in possession of the contraband. The quantity seized is substantial and of commercial nature. The contentions raised regarding alleged procedural lapses, including compliance of Sections 42 and 50 of the NDPS Act, are matters which require evidence and can be properly appreciated only during trial. At this stage, such submissions are not sufficient to record a satisfaction that the applicant is not guilty of the alleged offence.

13. Merely because the other occupants of the vehicle have not been chargesheeted, that itself would not entitle the present applicant to bail when there is prima facie material indicating recovery from his possession.

14. Considering the nature of the offence, the quantity of contraband, and the statutory embargo under Section 37 of the NDPS Act, this Court is not satisfied that the applicant has made out a case for grant of bail.

ORDER

1. The bail application filed by accused **Waseem Khan Imdad Khan** stands rejected.

2. It is clarified that the observations made herein are *prima facie* in nature and shall not influence the trial on merits.

(Pronounced in open Court.)

Date: 17.03.2026

(**L.D. Bile**)
Additional Sessions Judge,
Chandrapur.