

ORDER BELOW EXH.32
(Passed on 23.03.2026)

This is an application u/s.483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 for releasing applicant/accused Muddatshir Sheikh Nasir Sheikh on regular bail in Crime No.240/2025 registered with Police Station, Durgapur, Tah. & Dist. Chandrapur for offence punishable under Sections 8 (c), 21 (c), 29 of the Narcotic Drugs and Psychotropic Substances Act (N.D.P.S. Act).

2. It is the case of prosecution that, on 07.10.2025 the informant PSI Pravin Moreshwar Binkalwar lodged a report with Police Station Durgapur that, he was present at police station and his subordinate Yogesh Shardul, B.No.2339 received a credible information through their special informer that a black colour four-wheeler XUV-300 will arrive behind Matoshri School, Tukum, Chandrachhaya Mangal Karyalaya from Akola at about 05.15 p.m. The two occupants of the said car will come for selling the Mephedrone drug from Akola to Chandrapur. Pursuant to this information, he took the station diary entries and sought permission from the S.D.P.O., Chandrapur and secured presence of two panchas, photographer, weighing scale etc. The raiding team proceeded towards the spot by Government vehicle. At that time the said suspected black colour four-wheeler XUV-300 bearing registration No.MH-14-KS-2235 was noticed near Chandramani Home Apartment and near the wall of Matoshri School Road. The informant introduced himself and other persons along with him. The accused persons disclosed their names as Muddatshir Sheikh s/o. Nasir Sheikh, R/o. Tukum, Chandrapur and Abdul Razik s/o. Abdul Rashir, R/o. Ward No.9, Khair Mohd. Plot, Akola, Sheikh Mustafa s/o. Sheikh Rahim Qureshi, R/o. Ward No.9, Khair Mohd. Plot, Akola. During personal

search of the applicant/accused Muddatshir Sheikh from back pocket of the trouser, 7 plastic pouch containing white colour powder i.e. Mephedrone (MD) was found. The informant weighed all the pockets which comes to 66.230 gms. Hence, this report.

3. Learned counsel for applicant/accused Shri M.M. Sharma argued that, the present applicant/accused has been falsely implicated in the said offence. This is first bail application after filing of charge-sheet. The role of the applicant shown in the FIR does not come within the scope of the section levelled in the FIR. The police have indulge the name of the innocent applicant in the said crime on the ground of suspicion. There is 6 hours delay in lodging the FIR. In the said matter the gazetted officer in raid is same officer as he is the DVO in the said matter. The version of police is very suspicious. The applicant is in MCR since 10.10.2025. In the said matter already material has been recovered, chargesheet is filed before this court. There is violation of sec 52-A of NDPS Act which is mandatory one. There is non compliance of section 41,42,50, 52-A and 57 of NDPS Act, it shows that the recovery, seizure is illegal one. If the seizure is illegal then the total investigation is vitiate one hence it will made aground for bail. The investigation is completed and the charge-sheet is filed. The trial will not concluded in near future. Hence, keeping the accused behind bar, purpose will not be served. The applicant/ accused is ready to furnish bail and ready to abide by each and every conditions imposed by this Court while releasing him on bail. Therefore, he prayed for allowing his application. He relied on following case laws:-

1. **Vijaysinh Chandubha Jadeja Vs. State of Gujarat, Criminal Appeal No.293 of 2005.**
2. **Union of India Vs.Mohanlal and another, Criminal Appeal No.652**

of 2012 .

3. **Ranjan Kumar Chadha Vs. The State of Himachal Pradesh, Criminal Appeal Nos. 2239-2240 of 2011.**
4. **State of Punjab Vs. Balbir Singh, 1994AIR 1872.**
5. **Karnail Singh Vs. State of Haryana, Criminal Appeal No.36 of 2003.**
6. **Mihir Rahesh Shah Vs. The State of Maharashtra, Criminal Appeal No.2195 of 2025.**
7. **Notification regarding procedure for sampling provided in Standing order 1/1989: reg.**

4. The learned APP Smt. S. B. Ramteke has filed her say and she has strongly opposed the bail application on the ground that the accused/applicant was in possession of contraband at the time of raid and 7 pouches raped in a plastic bag found in his possession. Hence, she prayed to reject the bail application as the offence is committed by the accused is harmful for society. Lastly prayed to reject the application.

5. The applicant/ accused is alleged to have committed the offence punishable under Sections 8(c), 21(C), 29, of the Narcotic Drugs and Psychotropic Substances Act, 1985. It appears that contraband is found in the possession of the applicant /accused and as per the received information said contraband is for selling purpose therefore, applicant/accused is arrested.

6. Having considered documents in the charge-sheet, it explicit that investigating agency has received secret information that Narcotic Substance i.e. 'Mephedrone' being carried out in four wheeler at relevant spot for selling purpose. On that information they arranged

trap and accordingly seized the contraband from the possession of applicant/accused. The quantity of seized Narcotic Substances is admittedly more than of commercial quantity.

7. On perusal of panchanamas it also reveals that the investigating agency has made compliance of section 50 of the N.D.P.S. Act, therefore, the judgments relied on by the applicant are not helpful to the applicant as they differ on the point of compliance of section 50 of the N.D.P.S. Act.

8. Considering materials available on record and panchanamas, it explicit that prima facie applicant failed to show his innocence and non-involvement in the crime. Moreover, the offence is serious in nature and against the health of society. If the applicant is released on bail, he may commit similar kind of offence, which would be against the health of public at large. Therefore, in my considered view, this is not a fit case, where applicant is entitled to be released on bail. Hence, the application is liable to be rejected by following order:

ORDER

[1]	The Criminal Bail application (Exh.32) is hereby rejected.
[2]	Application is disposed of accordingly. [Directly dictated on computer and pronounced in open court.]

Date : 23.03.2026.

(Smt. I. A. Shaikh/Nazir)
Special Judge, Chandrapur.