

IN THE COURT OF ADDITIONAL SESSIONS JUDGE, DHULE.

(Presided over by Mr.D.M.Aher)

Application Exh.3

In

Special Case No.124/2025.

(CNR No.MHDH010019402025)

(Akbar Jalelya V/s. The State of Maharashtra)

ORDER

The applicant/accused No.2 Atul @ Altaf @ Sharif Yunus Shaikh has prayed for regular bail vide Section – 483 of B.N.S.S. in connection with C.R.No.18/2025 registered at Chalisgaon road police station, U/Sec.238 of B.N.S., Section - 8 and 22(C) of the Narcotics Drugs and Psychotropic Substances Act, 1985 and U/Sec.18(C) of the Drugs and Cosmetics Act. I have read the grounds mentioned in applications.

2. The Investigating Officer and learned A.P.P. opposed the application vide say Exh.5.

Accusations :

3. On 28.01.2025 at 02.00 p.m., the police team of Chalisgaon road police station received information from the secret source that co-accused Akbar is possessing contrabands. Hence, at about 08.30 p.m., the police team conducted raid at the house of co-accused Akbar at Shabbirnagar, Dhule. He was possessing plastic bags. The said plastic bags were found containing 480 bottles of Codeine Phosphate and Triprolidine Hydrochloride Cough Linctus, Rextop – T. The police seized the

said contrabands. The police arrested co-accused Akbar. Thereafter, P.S.I. Mr.H.J.Patil lodged the report. The crime is registered.

4. During interrogation, co-accused Akbar disclosed the police that he purchased the said contrabands from the applicant/accused. Hence, the police arrested the applicant/accused on 10.02.2025. Presently, he is in the judicial custody. The investigation is over and chargesheet is filed.

Submissions :

5. The learned advocate Mr.M.S.Bhandari for the applicant/accused submits that there is no prima facie material to show that the applicant/accused sold the contrabands to co-accused Akbar. He submits that the applicant/accused is arrested on bare statement of co-accused Akbar, which is not admissible in the evidence. He submits that the contrabands are not seized from the applicant/accused and hence the bar of Section – 37 does not attracts against the applicant/accused. He submits that the investigation is over and chargesheet is filed. He submits that the application may be allowed.

6. The learned P.P. Mr.D.Y.Tawar submits that the quantity of contrabands seized in the crime is commercial. He submits that there is bar of Section – 37 to grant the bail. He submits that applicant/accused is resident of Gujarat State and there is possibility of his abscondence. Hence, he prayed to reject the application.

Reasons :

7. It is clear that earlier bail application of applicant/accused was rejected on the ground that the investigation is incomplete. Now the investigation is over and chargesheet is filed. In view of this change in circumstance, the present bail application is maintainable.

8. I have perused the chargesheet and papers. The following broad aspects of the matter needs to be considered.

(a) The contrabands are seized from the co-accused Akbar. The applicant/accused was not present with co-accused Akbar at the time of raid. Therefore, prima facie seizure of contrabands cannot be attributed to the applicant/accused.

(b) The applicant/accused is implicated in the offence on the information given by co-accused Akbar to the police that he purchased contrabands from the applicant/accused. The said information or statement of co-accused Akbar is not admissible as evidence.

(c) The papers do not show that the police officer recorded the statement of co-accused Akbar or his disclosure statement or his confession U/Sec.67 of the N.D.P.S.Act.

(d) The police arrested the applicant/accused on 10.02.2025. Nothing is seized or recovered from him. There is no call detail record in between applicant/accused and co-accused Akbar. There is also no whatsapp chat between them. There is also no material to show that co-accused Akbar paid money or price of contraband to the applicant/accused. The chargesheet contains only the statement of police witnesses and

panchanamas. Thus, prima facie there is no material to connect the applicant/ accused with the crime.

(e) The contrabands are not seized from the applicants/ accused. He was not present with co-accused Akbar at the time of raid. Prima facie, there is absolutely no material to show involvement of the applicants/accused in the crime. Therefore, the bar U/Sec.37 of the N.D.P.S.Act does not attract to the matter.

9. Looking to the aforesaid broad aspects, the case is made out for bail. There is prima facie no evidence against the applicant/accused to show the involvement in the crime. Hence, I am inclined to grant bail to the applicant/ accused. Hence, the order.

Relief :

10. The application Exh.3 is allowed. The applicant/accused No.2 Atul @ Altaf @ Sharif Yunus Shaikh be released on bail in connection with C.R.No.18/2025 registered at Chalisgaon road police station, U/Sec.238 of B.N.S., Section - 8 and 22(C) of the Narcotics Drugs and Psychotropic Substances Act, 1985 and U/Sec.18(C) of the Drugs and Cosmetics Act, on furnishing his P.R.Bond of Rs.1,00,000/- and solvent surety in the like amount on the condition that he shall furnish the list of his two blood relatives with photo, address and shall attend the trial regularly.

(D.M.Aher)
Additional Sessions Judge
(Court No.5), Dhule.

Date : 09.07.2025.

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CERTIFICATE

I certify that the contents of this P.D.F. File are word to word as per Original Judgment/Order.

Name of the Stenographer : J.S.Jain.
Name of the Court : Court of District Judge-5,Dhule
Order directly typed on dias : 09.07.2025.
computer.
Order checked and signed by: 09.07.2025.
Presiding Officer
P.D.F. Uploading Date : 09.07.2025.

Sd/- xxx
Stenographer(Grade-I)