



In The Court of Judge Special Court NDPS Act, Nagpur.

Presided over by  
Shri. M. S. Ganorkar.

**Cri. Bail Application No. 136 of 2026.**

CNR No: MHNG010018252026.

Crime No.859 of 2025, P. S. Yashodhara Nagar.

Maksud Ahmad Aminuddin.

V/s

State of Maharashtra.  
(Through P.S. Yashodhara Nagar.)

Order below Exh.1  
(Date: 12<sup>th</sup> March 2026)

1. This is an application for issuance of directions as applicant/accused be released on bail , U/Section 483 of the Bhartiya Nagarik Suraksha Sanhita. Applicant/accused booked in Crime No.859 of 2025, for the offences punishable U/Sections 8(c), 22(c) and 29 of the NDPS Act.
2. Perused the application along with documents annexed here with and say/report of Investigating Officer/APP. Heard both the sides at length.
3. In the light of this facts emerged, submissions by the parties and material on the record, the following points arise for determination before this Court. The said points and the findings thereon which follow the reasons as:

**Point For Determination.**

<b>Sr. No.</b>	<b>Point</b>	<b>Finding</b>
1.	Whether the applicant/accused made out the case as to issuance of direction as to be released on bail, in the given set of facts?	...Yes.
2.	What order?	...Application Allowed as per final order.

**REASONS*****As to the point no.1:***

4. It is case of the applicant that he has been arrested and since then he is in jail. It is alleged that on 26/11/2025 the accused Maksud and Tahseen Kamal were found together and during search 51.66 gms MD seized by the police from the possession of accused, prepared seizure panchnama in presence of panch, arrested the accused and thereafter, registered the offence under the offence of NDPS Act.
5. The applicant further submitted that the contraband seized from the possession of present applicant 42.80 gms MD is an intermediate quantity. The police falsely implicated him in the present crime. The present applicant is in custody since the arrest. Rigor of Section 37 of the NDPS Act is not applicable. The applicant is ready to abide by all condition if released on bail. Hence, prayed that application be allowed.
6. The Investigating officer opposed the application on the ground that the offence is serious and the investigating is not completed and if the applicant released on bail, he will tamper with the evidence and witnesses. The contraband MD seized from the applicant is used for commercial purpose. Hence, prayed that the application be rejected.

7. Learned Counsel for applicant submitted that MD powder involved in this case is seized from the possession of the present applicant is an intermediate quantity. It is settled position of law that if two persons are found in possession of the contraband, separately, then the quantity found with each one of them cannot be clubbed together. The actual quantity of the MD powder seized from applicant is 42.80 gms which is below commercial quantity. Applicant has no connection with the crime. Applicant is in custody since last more than 60 days. There is no evidence against the applicant so as to detain them in custody it will take long time to file charge-sheet and complete the trial. Hence, prayed for grant of bail.
8. Learned APP argued that applicant is drug peddler and the offence is serious. If the applicant is released on bail he may repeat such offence in future and he may engage in sell of drug. Hence, he prayed for rejection of application.
9. I perused say it appears that the drug MD powder seized from applicant accused is 42.80 gms which is the below commercial quantity. Therefore, rigor of Section 37 of the NDPS Act is not applicable. In the said crime two accused persons were found together with contraband MD is the commercial quantity but individually below the commercial quantity, hence, Section 29 of the NSPS Act is not attracted. Applicant is in custody since last 90 days. His further detention in custody is not necessary. On imposing suitable applicant can be released on bail. Consequently, proceed to pass following order.

**ORDER**

1. Application is allowed.
2. Applicants/accused ***Maksud Ahmad Aminuddin***, be released on

bail, on executing Personal Recognition for bond of Rs.50,000/- (Rupees Fifty Thousand only) with surety in the like amount, in Crime Register No.859 of 2025 of Yashodhara Nagar *Police Station*, for the offence punishable U/Section 8(c), 22(c) and 29 of the NDPS Act, subject to following conditions :-

1. *The applicant shall not tamper with the evidence and the witnesses, in any manner. Further, the applicant, he directed shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.*
2. *The applicant shall not commit the similar offence of which he is charged.*
3. *The applicant shall make available himself to the investigating officer as and when called and every First and Third Monday in month at 11.00 am to 1.00 pm till filing of the charge sheet or next two months, which ever is earlier.*
4. *Applicant is further directed as to submit complete address proof and mobile number of his own and as well as two those persons who are related to him.*
5. *Applicants/accused shall remain present on each date of proceeding or as and when called.*

Dictated and pronounced in open Court.

Date : 12<sup>th</sup> March 2026.

(Manish S. Ganorkar)  
Judge Special Court NDPS Act,  
Nagpur.