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

Presided over by
Shri M. S. Ganorkar.

Special Case (NDPS Act) No.42 of 2026
CNR No: MHNG010007342026.
Crime No.380 of 2025, P. S. Pardi.

State of Maharashtra.
(Through P.S.Pardi.)
V/s
Mohsin Khan S/o Abdul Sattar Khan.

Applicant - Mohsin Khan S/o Abdul Sattar Khan.

Order below Exh.7
(Date: 23rd 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.380 of 2025, for the offences punishable U/Sections 8(c), 20(b)(ii)(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.

Sr. No.	Point	Finding
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?	...No.
2.	What order?	...Application Rejected as per final order.

REASONS

As to the point no.1:

4. The applicant submitted that he has been falsely implicated in this crime and he was arrested on 31/07/2025 since then he is in jail. It is alleged that on 18/07/2025 Rajendra Police Havaldar of the Crime branch unit No.5, Nagpur lodged report stating that one Eicher Truck bearing No.MH-40-B-6034 was intercepted by the police took search was found that the said truck carrying 106. 850 Kg Ganja and truck was driven by Taj Mohammad Habib Sheikh. The truck is belongs to the one Mohasin @ Firoz Khan. The contraband seized by the police in presence of panch, prepared seizure panchnama, arrested the accused and thereafter registered the offence under the NDPS Act.

5. The applicant further submitted that the applicant is falsely implicated in this crime on the basis of inadmissible state of co-accused persons without any material evidence connecting him to the alleged commission of offence. Nothing is seized from the possession of applicant. He has no criminal antecedents against him. There is no material evidence or involvement in the alleged crime. Since, the arrest he is in jail. No purpose would be served by keeping the accused in jail for indefinite period. He is ready to abide by all

conditions, if released on bail. Rigor of Section 37 of the NDPS Act is not applicable. Hence, prayed that application be allowed.

6. The Investigating officer submitted that from accused persons the contraband 106.850 Kg seized from their possession. The offence is serious and it is commercial quantity. It is also contended that the offence is serious and if the applicant released on bail he may commit similar offence and will tamper the evidence and witnesses. Hence, prayed that application be rejected.

7. Learned Counsel for the applicant that the alleged quantity seized from the possession of accused is total contraband 106.850 Kg Ganja is the commercial quantity. Nothing is seized from the possession of applicant. The applicant had no role in the alleged crime regarding transportation of contraband and he had no knowledge about the same. The substantial investigation is completed, charge-sheet is filed and custodial interrogation is not necessary of the applicant accused. If the applicant released on bail he is ready to abide by all conditions and will not tamper with the evidence and witnesses. Hence, prayed that application be allowed.

8. Learned Counsel further relied upon the Authority of Hon'ble High Court in case of ***Amardeep S/o Shrinarayan Sharma..vs..State of Maharashtra***, ***Cri. Appln. (BA) No. 787 of 2025***, it is held that the Court has to record the satisfaction that there are grounds for believing that the accused is not guilty of the offence alleged and that he is not likely to commit any offence while on bail and the evidence is not sufficient to convict the accused but prima facie observation has to be there.

9. Learned APP opposed by the application on the ground that the

offence is serious. The contraband seized from the accused total contraband 106.850 Kg Ganja which is commercial quantity and mobile and cash amount also seized in this crime by the police form another accused and present applicant. If the applicant is released on bail he will tamper with the evidence and witnesses. He prayed that the application deserves to be rejected.

10. The contraband seized is 106.850 Kg of Ganja. The prosecution filed the CDR and SDR of the phone numbers of all the accused. The phone number of applicant is 9370624073 which is of Jio Company. He had phone calls with other accused before the seizure of contraband. Active participation of applicant is seen in the crime, as he frequently contacted other accused. If authority of Tofan Singh ..vs...State of Tamil Nadu and authority relied by Counsel for applicant are perused then merely on the statement of co-accused cannot be denied bail. In this case there were frequent phone call between applicant and other accused before seizure of contraband. The contraband seized is of commercial quantity and hence, bar of Section 37 of NDPS Act is applicable. The CDR shows active involvement of the applicant in the crime, hence, his innocence cannot be presumed. There is prima facie case is made out against the present applicant and the ingredients of the Section 29 is made out because there is abetment and criminal conspiracy because the applicants were having intention and knowledge. Learned Counsel relying upon the cited supra on the ground that the arrest of accused become illegal and in the said crime charge-sheet is filed, therefore, facts in the cited supra and case in hand are different, therefore, the aforesaid citation is not applicable. There is sufficient evidence against the applicant showing that he is involved in the said crime.

Merely because filing of the charge-sheet is not a ground to release the applicant on bail. Hence, in such circumstances, the application deserves to be rejected. Consequently, I proceed to pass following order.

ORDER

1. Application (Exh.7) is hereby rejected.

Dictated and pronounced in open Court.

DISTRICT COURTS MAHARASHTRA
सत्यमेव जयते
Digitally signed by GANORKAR MANISH SHRIRAM
Date: 2026.03.23 18:04:42 +0530

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

Date : 23rd March 2026.