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.11
(Date: 15th April 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 submitted that nothing was seized from the possession of the applicant. He was arrested on the basis of statement of co-accused which is not admissible in evidence against him. The accused on the basis of whose statement the applicant was arrested was working as a servant in the Pakoda Shop of the applicant and hence, he was in contact with the applicant. Such phone calls cannot link accused with the contraband. As per Judgment of Tofan Singh the applicant was arrested only on the basis of statement of co-accused. hence, he is entitled for bail. The applicant submitted that he himself surrendered before police and there is no likelihood that he may abscond. Hence, he prayed for grant of bail.

8. Learned APP opposed the application and submitted that the applicant is a business partner of co-accused. Before contraband was seized there were frequent phone calls between the applicant and co-accused. Even the amount for contraband was paid by the applicant which is revealed by co-accused. So ratio of Tofan Singh is not applicable to the facts of this case. Hence, he prayed for rejection of the application.

9. Learned Counsel for the applicant submitted that other accused was released on bail by this Court on the ground that nothing was seized from his possession. The applicant was not present when the contraband was seized from the truck but as pointed out by Learned APP there were frequent phone calls accused between applicant and co-accused before contraband was seized. As per applicant co-accused was working with him earlier. The applicant is running Pakoda Shop. He remained busy in his business still he was making phone calls to the co-accused who was driving truck. So something was there for which the applicant was frequently making calls, truck driver also stated that applicant had given Rs.5,00,000/- for purchase of Ganja. So contraband was not actually seized from the applicant, but his conduct that he was making frequent phone calls to the conductor and driver of truck in which contraband was transported and co-accused stated that applicant requested to give Rs.5,00,000/- for purchasing of Ganja this much evidence is sufficient prima face to hold that accused was part of the transaction of purchase and transport of contraband. Hence, the ratio of Judgment of Tofan Singh is not applicable here. As per authority of Tofan Singh merely on the basis of statement of co-accused any person cannot be implicated but here this there is corroborative evidence to draw inference that applicant was conspirator in transaction relating to the contraband. The quantity of Ganja seized is 108 kg which is commercial quantity and bar of Section 37 of the NDPS Act is applicable. Hence, the applicant is not entitled for bail. In such circumstances, the application deserves to be rejected. Consequently, I proceed to pass following order.

ORDER

1. Application (Exh.11) is hereby rejected.

Dictated and pronounced in open Court.

DISTRICT COURTS MAHARASHTRA
सत्यमेव जयते
Digitally signed by GANORKAR MANISH SHRIRAM
Date: 2026.04.15 17:55:17 +0530

(Manish S. Ganorkar)
Date : 15th April 2026. Judge Special Court NDPS Act,
Nagpur.