



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

Presided over by
Shri M. S. Ganorkar.

Special Case No.98 of 2024.

CNR No: MHNG010019792024.

Crime No.470 of 2023, P. S. Pardi.

State of Maharashtra.
(Through P.S.Pardi)

V/s

Sheikh Shahrukh Sheikh Khaleel and Ors.

Applicant - Sheikh Shahrukh s/o Shaikh Khaleel

Order below Exh.68

(Date: 21st February 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.470 of 2023, 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 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 filed application for grant of bail in the present crime registered under Section 8(c), 20(b)(ii)(c) and 29 of the NDPS Act. As per the story of the prosecution that HC Vijay Yadav received secret information that Truck bearing No.MH-20-EG-6068 transporting Ganja and the complainant along with staff went to the spot found that truck and two persons sitting in the truck and shown their identify, they told their name Shaikh Shahruh and Gaurav Raut. Therefore, after complying due procedure of law the police took search of the truck found 87.110 Kg Ganja seized by the police in presence of panch, prepared seizure panchnama, arrested the accused and registered the offence under the NDPS Act.
5. The applicant submitted the he has been falsely implicated in this crime. Police arrested on 26/08/2023 and since then he is in jail. There is no specific role of the applicant. He is not committed any crime. He is ready to abide by all conditions if released on bail and not tamper with the evidence and witness. Hence, the applicant prayed for grant of bail.

6. The Investigating officer opposed the application stating that the offence is serious. The Ganja found in possession of the applicant accused. The contraband of Ganja is 87.110 Kg is the commercial quantity. If the applicant is released on bail, he may commit similar offence and tamper with the evidence and witness and it is possibility of absconding of wanted accused. Hence, prayed for rejection of the application.
7. Learned Counsel for the applicant submitted that the contraband Ganja weighing 87.110 kg Ganja was seized in the said crime. There is no specific role attribute to the applicant to connect him with the seizure of alleged Ganja. The applicant is falsely implicated in this crime. The applicant is in custody from 26/08/2023. The investigation is completed and charge-sheet is filed. The inventory report shows that Greenish material somewhat set and appears to have leaves can be seen which shows that the seized contraband does not come under the definition of Ganja. No purpose would be served by keeping the accused in jail for indefinite period. If the applicant released on bail he is ready to abide by all conditions and he will not tamper the with the evidence and witnesses. He prayed for grant of bail.
8. Learned APP submitted that the offence is serious and the contraband seized from the possession of accused is commercial quantity and it is used by the accused for selling purpose. The police seized mobile phone of the accused. The seizure panchanama itself shows that it is conscious possession. The rigor of Section 37 of the NDPS Act is applicable. Hence, prayed for rejection of the application.
9. I perused charge-sheet. It appears that the contraband seized from the possession of accused is 87.110 kg Ganja which is commercial

quantity and the applicant was using the said contraband for business purpose. The other aspects regarding involvement and abatement, instigation and conspiracy to commit the offence and to ascertain source or procurement is matter of investigation itself is reflected in charge-sheet. The seizure panchanma shows that the contraband seized from accused is conscious possession and in the inventory it is mentioned as 87.110 kg Ganja from Truck bearing No.MH-20-EG-6068 seized from the possession of the present applicant which is commercial quantity therefore, the Court has to pass order of bail is not proper and justifiable. If released on bail the accused it will go bad message in society. The report of RFSL, Nagpur filed by the prosecution on record it appears that Ganja is detected. In this crime the contraband seized being commercial quantity therefore, rigor of Section 37 of the NDPS Act is applicable. Section 37 of the NDPS Act is mandatory in nature and recording of findings as mandated in Section 37 is *sine qua non* is known for granting bail and it is ruled that merely a procedural irregularity which would neither entitled to the accused for bail nor would vitiate the trial on that ground alone. Case is part-heard and 12 witnesses are examined. Hence, in such circumstances, the application deserves to be rejected. Consequently, I proceed to pass following order.

ORDER

1. Application (Exh.68) is hereby rejected.

Dictated and pronounced in open Court.

Date : 21st February 2026.

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