



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

Presided over by
Shri M. S. Ganorkar.

Special Case No.192 of 2026.

CNR No: MHNG010030052026.

Crime No.446 of 2025, P. S.Wathoda.

State of Maharashtra.
(Through P.S.Wathoda.)
V/s
Suraj Bhim Kosre.

Applicant - Suraj S/o Bhim Kosare.

Order below Exh.3
(Date: 20th 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.446 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.

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?	...Yes.
2.	What order?	...Application Allowed as per final order.

REASONS

As to the point no.1:

4. The applicant submitted that he is permanent resident of Nagpur. He has been falsely implicated in this crime and he was arrested on 28/08/2025 since then he is jail. It is alleged that on 27/08/2025 the complainant Pawan PC was on duty and patrolling along with senior officers PI. Gajanan and other staff members in the search of Drug peddlers who were supplying drugs in the respective areas with all their equipment's as required for conducting raid. While patrolling the police official team saw owner person on white active moped near the Shavan Nagar, Wathoda found in suspicious manner, therefore, police stopped but he tried to escape in order to flee away from the spot. Police caught him and took search found 55 gms MD powder seized by the police in presence of panch, prepared seizure panchnama, arrested the accused and thereafter registered the offence under NDPS Act.
5. The applicant submitted that the contraband MD 55 gms seized from the possession of accused. Since the arrest applicant is incarceration. Now the charge-sheet is filed in the present crime. Investigation is completed, therefore, his custodial interrogation is not necessary. 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. Hence, prayed that application be allowed.

6. The Investigating officer submitted that from accused persons 55 gram MD seized from the possession of accused. 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 contraband is seized from the possession of accused. The substantial investigation is completed and custodial interrogation is not necessary of the applicant accused. The Charge-sheet is filed and the applicant is in custody since last six months. 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 for the applicant relying upon the Authority of Apex Court in case of *Rajesh Jagdamba Avasthi...vs....State Goa, (2005) 9 Supreme Court Cases 773*, it is observed by the Hon'ble Supreme Court after search and seizure packed and sealed in two envelopes, when those envelopes were opened in laboratory by junior scientific officer, he find quantity in envelope A nominally less while quantity in envelope B significantly less than the quantity sealed and set to him.
9. Learned APP opposed by the application on the ground that the offence is serious. The contraband seized from the accused is 55 gms which is commercial quantity. 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. It appears from the charge-sheet and seizure panchnama that 55 gms MD powder seized from the possession of accused but after perusal of inventory it appears that the weight of sealed envelope is 51.150 gms. Though the contraband seized is the commercial quantity but it is seen firstly that police seized 55 gms MD from the possession of accused as per panchnama and then secondly it is seen as per inventory the weight of contraband MD is 51.150 gms, it is the difference in quantity shown in charge-sheet. If case law cited by the applicant is perused it is held that when there is considerable difference in the weight of the contraband seized and weight of contraband in inventory then benefits case to the accused. So if ratio is applied to the facts of this case credibility of recovery proceeding is considerably eroded if the quantity the benefit goes in favour of the accused to grant bail. The charge-sheet is filed and his custodial interrogation is not necessary. No purpose would be served by keeping the accused in custody for indefinite period. The applicant is ready to abide by all conditions if released on bail. The accused is in jail since last six months. Considering the facts and circumstances and as relied upon the cited supra, it is fit case to exercise the discretion of bail the applicant is entitled for bail. Hence, proceed to pass following order.

ORDER

1. Application (Exh.3) is allowed.
2. Applicant/accused ***Suraj s/o Bhim Kosare***, be released on bail, on executing Personal Recognition for bond of Rs.1,00,000/- (Rupees One Lakh only) with solvent surety in the like amount and cash security amount of Rs.5000/- (Rupees Five Thousand), in Crime No.446 of 2025 of Wadi 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 is 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 leave the Nagpur District without intimation to the Investigation officer.*
3. *The applicant shall not commit the similar offence of which he is charged.*
4. *Applicant is further directed as to submit complete address proof, mobile phone of his own and as well as two those persons who are related to him.*
5. *Applicant/accused shall remain present on each date of proceeding or as and when called.*

Dictated and pronounced in open Court.

Date : 20th March 2026.

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