



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

Presided over by
Shri. M. S. Ganorkar.

Cri. Bail Application No.608 of 2026

CNR No:MHNG010030322026.

P. S. Wathoda, Nagpur City

Mohd. Niyaz S/o Mohd. Shamsul Ansari.

V/s

State of Maharashtra.

(Through P.S. Wathoda, Nagpur City.)

Order below Exh.1

(Date: 12th 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.102 of 2026, for the offences punishable U/Sections 8(c), 22(b) 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. It is case of the applicant that he is law abiding citizen and peace loving person. He has arrested on 12/02/2026 and since then he is in custody. It is alleged that on 11/02/2026 a case was registered on the basis of secrete information received by the police that certain persons were engaged in illegal possession and sale of the contraband drug Mephedrone (MD) in Nagpur. Acting upon the said information, the police authorities constituted a raiding team and proceeded to the specified location. It is alleged that upon reaching the spot, the police kept watch and thereafter intercepted the suspected persons. The FIR stated that during the course of search, the police have recovered MD weighing about 10 gms along with certain cash amount and mobile phones from the possession of accused No.1 and 2. It was seized by the police, prepared panchnama, arrested the accused and registered the offence under the NDPS Act.
5. The applicant submitted that he has been falsely implicated. Nothing has been seized from the possession of applicant. The alleged contraband MD 10.00 gms seized from the accused is below the commercial quantity. As such rigor of Section 37 of the NDPS Act is not applicable. The applicant is in jail since the arrest. The applicant is ready to abide by all conditions as imposed by the Court. Hence,

prayed for grant of bail.

6. The Investigating officer opposed the application on the ground that the offence is serious and contraband seized from the accused is 10.00 gms used for selling purpose. If the applicant is released on bail, he will tamper the evidence and witnesses. Hence, prayed for rejection of the application.
7. Learned Counsel for the applicant submitted that nothing has been seized from the applicant. On the statement of another accused the applicant is made an accused in this crime. The contraband seized from the possession of accused is below the commercial quantity. The applicant is in custody since the arrest. He is ready to abide by all condition if released on bail. He prayed for grant of bail.
8. Learned APP opposed the application stating that the applicant is habitual offender. If the accused is released on bail, he may tamper with the evidence and will commit similar offence such possibility cannot be ruled out. He prayed for rejection of the application.
9. The applicant is in custody since the arrest. It appears from the record that 10.00 gms MD seized from the accused which is below commercial quantity. The rigor of Section 37 of the NDPS Act is not applicable. Nothing has been seized from the applicant. There is no involvement of the applicant shown in this crime as conspirator. In such circumstances it will take long time to file charge-sheet and complete with the trial. The applicant cannot be detained in custody for indefinite period. The other accused are already been released on bail, therefore, on the ground of parity, the applicant is also entitled for bail. Hence, by imposing suitable conditions bail can be given to him. Consequently, proceed to pass following order.

ORDER

1. Application is allowed.
2. Applicant/accused ***Mohd. Niyaz S/o Mohd. Shamsul Ansari***, 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.102 of 2026 of *Wathoda Police Station*, for the offence punishable U/Section 8(c), 22(b) 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, she 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 her 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 Monday in month at 11.00 am to 1.00 pm till filing of the charge sheet or next two months, whichever 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. *Applicant/accused shall remain present on each date of proceeding or as and when called.*

Dictated and pronounced in open Court.

Date :12th March 2026.

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