



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

Presided over by
Shri. M. S. Ganorkar.

Cri. Bail Application No.610 of 2026

CNR No: MHNG010030442026.

Crime No.18 of 2026, P. S. Pachpaoli.

Javed Khan Rafik Khan.
V/s
State of Maharashtra.
(Through P.S. Pachpaoli.)

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.18 of 2026, for the offences punishable U/Sections 8(c), 22(c), 2(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. It is case of the applicant that he has been arrested on 07/01/2026 and since then he is in jail. It is alleged that the informant HC Prakash attached to police station Pachpaoli was on patrolling duty near Mahendra Nagar Water Tank at about 3.15 a.m. had seen two suspicious persons. On seeing the police, the two suspecting persons tried to leave the spot hurriedly. Suspecting them of carrying illegal items or narcotics, the police had stopped them and took personal search of those persons found 66.81 gms MD, mobile, Royal Enfield motor-cycle and cash amount of Rs.1300/- from the possession of accused no.1. No contraband is seized from the possession of applicant/accused no.2. Hence, accused has committed no offence. He was found with other accused, hence, he is falsely implicated in crime.
5. The applicant further submitted that the applicant is falsely implicated in this crime. He is permanent of resident of Nagpur. 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 opposed the application on the ground that the offence is serious and the investigating is not completed and if the applicant released on bail, he will tamper with the evidence and witnesses. The contraband MD seized from the applicant is used for commercial purpose. Hence, prayed that the application be rejected.
7. Learned Counsel for applicant submitted that MD powder involved in this case is 66.81 gms which is seized from accused no.1. No MD powder was seized from Applicant. Applicant is in custody since last more than 60 days. There is no evidence against the applicant so as to detain them in custody it will take long time to file charge-sheet and complete the trial. Hence, prayed for grant of bail.
8. Learned APP argued that applicant is drug peddler and the offence is serious. If the applicant is released on bail he may repeat such offence in future and he may engage in sell of drug. Hence, he prayed for rejection of application.
9. The drug MD powder seized in this crime is weighing about 66.81 gms which is the commercial quantity. As per say of police, applicant was not found in possession of the contraband. He was with other accused, who was in possession of the contraband. Even both accused no.1 and 2 were not on same vehicle. There is no direct evidence against the applicant is purchasing MD powder. Applicant is in custody since last 60 days. His further detention in custody is not necessary. He is ready to abide by all condition. On imposing suitable applicant can be released on bail. Consequently, proceed to pass following order.

ORDER

1. Application is allowed.
2. Applicants/accused **Javed Khan Rafik Khan**, 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.18 of 2026 of Pachpaoli Police Station, for the offence punishable U/Section 8(c), 22(c), 2(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, he 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 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 First and Third Monday in month at 11.00 am to 1.00 pm till filing of the charge sheet or next two months, which ever 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. *Applicants/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.