



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

Presided over by
Shri M. S. Ganorkar.

Criminal Bail Appln. No.619 of 2026.

(Special Case No.234 of 2026)

CNR No: MHNG010030742026.

Crime No.305 of 2025, P. S.Kotwali.

Sanket s/o Rajendra Bhede.
V/s
State of Maharashtra.
(Through P.S.Kotwali.)

Order below Exh.1
(Date: 23rd 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.305 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 19/09/2025 since then he is jail. It is alleged that on 19/09/2025 police authority were on patrolling in search of accused persons indulged in selling of narcotic and raid. During patrolling Kotwali police station area near Pandurang Wachnalaya Tulsibagh road one person was to run away after seeing the police and his activities found in suspicious manner. Therefore, police chased him and with the help of police staff encircled him and shown his identity and interrogated accused person. Police took search them found 52 gms MD seized 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 52 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 52 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. It is further submitted that the present applicant had filed bail application earlier which was rejected by the Court on 19/09/2025. Now 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 ***State of Rajasthan...vs...Parmanand and Anr., 2014 LawSuit(SC) 141***, wherein the Hon'ble Apex Court is held that the personal search and bag with accused was arranged with him is searched then compliance Section 50(1) is mandatory. The idea behind taking an accused to a nearest Magistrate or a nearest gazetted officer, if he so requires, is to give him a change of being searched in the presence of an independent officer.
9. Learned APP opposed by the application on the ground that the offence is serious. The contraband seized from the accused is 52 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 is contention of the counsel for applicant that as per charge-sheet Gazetted officer was not present at the time of seizure of compliance of Section 50 of the NDPS Act is not done. Accused is arrested on 19/09/2025. On going through the record it appears that the contraband 52 gms MD seized from the possession of accused from the possession of accused seized by the police. Though the contraband seized is the commercial quantity but in the present case the Investigating officer is raiding party as well as Gazetted officer and being I. O. and Raiding Team he has no power to take the personal search under the provisions Section 50(1) of the NDPS Act which is mandatory. There is no independent Gazetted officer. Even though he has not informed the accused for personal search in writing. Failure to inform the person concerned about the existence of his right to be searched before a Gazetted officer or a Magistrate would cause prejudice to an accused. So it is required to take search of accused in presence of an independent officer. The substantial investigation is completed. 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 is allowed.

2. Applicant/accused ***Sanket s/o Rajendra Bhede***, 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 Register No.305 of 2025 of Kotwali *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 : 23rd March 2026.

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