



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

Presided over by
Shri. M. S. Ganorkar.

Cri. Bail Application No. 662 Of 2026

CNR No: MHNG010032442026.

Crime No.227 of 2026, P. S. Kalmeshwar, Nagpur Gramin.

Abhishek alias Abhinesh s/o Devshankar Barme (Varma).

V/s

State of Maharashtra.
(Through P.S. Kalmeshwar, Nagpur Gramin)

Order below Exh.1
(Date: 11th March 2026)

1. This is an application for issuance of directions as applicant/accused be released on bail in the event of his arrest as anticipatory bail, U/Section 482 of the Bhartiya Nagarik Suraksha Sanhita. Applicant/accused booked in Crime No.227 of 2026, for the offences punishable U/Sections 8(c), 20(b), 2(a) 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 event of his arrest as anticipatory 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 peace loving and law abiding person. He has been falsely implicated in this crime. It is alleged that the Assistant Police Inspector along with staff while on patrolling received information that the applicant/accused has kept Ganja in his sister's house for selling it. Therefore, the police official went on the spot at T.K. Layout Railway Station Road, Kalmeshwar, Nagpur Gramin. The police caught the accused. After following due procedure of law the police took search of the house of Smt. Sunita Anil Katkade i.e. accused no.1 found 512 grams Ganja in transparent plastic polythene in her possession and also found 126 grams of Ganja in possession of accused no.2. Thereafter police seized it in presence of panch, prepared seizure panchnama, arrested the accused and thereafter registered the offence under the NDPS Act. In interrogation with arrested accused, they told that they obtained Ganja from the applicant, but applicant has no connection with the arrested accused.
5. The applicant submitted that he has been falsely implicated on the

false information. Nothing is to be seized from the applicant. As such rigor of Section 37 of the NDPS Act is not applicable. If the applicant released on anticipatory bail, he is ready to abide by all conditions as imposed by the Court. Hence, prayed for grant of anticipatory bail.

6. The Investigating officer opposed the application on the ground that the offence is serious and contraband seized from the accused is used contraband for selling purpose. If the applicant is released on anticipatory bail, he will tamper the evidence and witnesses. Hence, prayed for rejection of the application.
7. Learned Counsel for applicant submitted that Ganja involved in this case is below the commercial quantity. Nothing has been seized from the applicant. Rigor of Section 37 of the NDPS Act is not applicable. On the basis of statement of another accused present applicant is made accused in this crime. He is ready to abide by all condition if released on anticipatory bail. He prayed for grant of anticipatory 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. I perused the say of the police. Applicant was not found in possession of the contraband. He is made accused in this case on the basis of statement of the accused. No criminal antecedents against the applicant and no hardcore criminal this fact does not lead to draw inference that he is habitual offender and he is dealing with drug. It is settled position of law that accused cannot be implicated in any crime solely on the basis of statement of co-accused. There is no corroborative evidence against the applicant, such as, CDR and SDR of the phone calls with other accused or monetary transaction with

other accused. In such circumstances in my view custody of applicant for further investigation is not necessary. The contraband seized from the possession of other accused which is below the commercial quantity. Hence, bar of Section 37 is not applicable to this case. In such circumstances by imposing suitable conditions anticipatory bail can be granted to the applicant. Hence, proceed to pass following order.

ORDER

1. Application is allowed.
2. In the event of arrest applicant/accused **Abhishek alias Abhinesh s/o Devshankar Barme (Varma)**, 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.227 of 2026 of *Kalmeshwar Police Station, Nagpur Gramin* for the offence punishable U/Section 8(c), 20(b), 2(a) and 29 of the NDPS Act, subject to following conditions :-

1. *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 his 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 or every Tuesday and Friday at 11.00 am to 1.00 pm till filing of the charge sheet or next 60 days, whichever is earlier.*
4. *Applicant is further directed as to submit complete address proof of his own and as well as two those persons who are related to his to the investigation*

officer.

5. *Further, the applicant is directed as breach or violation of any of the condition, shall be the ground for cancellation of bail.*

Dictated and pronounced in open Court.

Date : 11th March 2026.

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