



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

Presided over by
Shri. M. S. Ganorkar.

Cri. Bail Application No.689 Of 2026

CNR No: MHNG010034762026.

Crime No.188 of 2026, P. S. Kuhi.

Sarafraj S/o Gulam Sheikh.

V/s

State of Maharashtra.
(Through P.S. Kuhi.)

Order below Exh.1

(Date: 6th April 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.188 of 2026, for the offences punishable U/Sections 8(c), 20(b)(ii)(b), 22 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 falsely implicated in the said crime and since 01/03/2026 is in jail. It is alleged that the complainant while on patrolling duty on 24/02/2026 along with other staff members on Nagpur Umred Road near Panchgaon he was one red color bullet without number driven by one person in suspicious condition. Police asked his name, he told his name Akash Panchbai. Thereafter, police took search found contraband Ganja 12.68 kg seized in presence of panch, prepared panchnama, arrested the accused and thereafter, registered the offence under the NDPS Act.
5. The applicant further submitted that the applicant falsely implicated in this crime. The quantity of Ganja 12.68 kg seized from the possession of accused No.1 is not commercial quantity and rigor of Section 37 of the NDPS Act is not applicable. The applicant is ready to abide by all condition if released on bail. Hence, prayed that application be allowed.
6. The I. O. 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 Ganja seized from the accused is used for selling purpose. Hence, prayed that the application be rejected.

7. Learned Counsel for applicant submitted that applicant is falsely implicated in this crime and having no nexus with the present crime. On the basis of statement of accused No.1 the present applicant is made accused in the said offence. Nothing has been seized from the possession of present applicant. The accused No.1 arrested on the basis of contraband seized Ganja weighing 12.68 kg which is below the commercial quantity and rigor of Section 37 of the NDPS Act is not applicable. The accused is in custody since 01/03/2026. Hence, prayed for grant of bail.
8. Learned APP argued that 12.68 kg Ganja was seized from the accused is used for selling purpose and the offence is serious. If the applicant is released on bail he may abscond. Hence, he prayed for rejection of application.
9. As per police accused found in possession of contraband from accused no.1 the quantity of Ganja is 12.68 kg which is well below the commercial quantity and rigor of Section 37 of the NDPS Act is not applicable. Nothing has been seized from the possession of present applicant. The applicant is ready to abide by all conditions as imposed by the Court. The applicant is in custody since last 35 days. Hence, in my view the applicant is entitled for bail on stringent conditions. Consequently, proceed to pass following order.

ORDER

1. Application is allowed.
2. Applicants/accused ***Sarafaraj s/o Gulam Sheikh***, 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.188 of 2026 of Kuhi *Police Station*, for the offence punishable U/Section 8(c), 20(b)(ii)(b), 22 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 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 Second Monday 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. *Applicant/accused shall remain present on each date of proceeding or as and when called.*

Dictated and pronounced in open Court.

Date : 6th April 2026.

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