



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

Presided over by  
Shri M. S. Ganorkar.

**Special Case (NDPS) No.561 Of 2025.**

CNR No: MHNG010095862025.

Crime No.146 of 2025, P. S. GRP Railway, Nagpur.

State of Maharashtra.  
(Through P.S.GRP Railway, Nagpur)  
V/s  
Davvari Sharma and Ors.

**Applicant - Davvari @ Bidori Krishna Sharma.**

Order below Exh.20  
(Date: 30<sup>th</sup> October 2025)

1. This is an application for issuance of directions as applicant/accused be released on bail, U/Section 483 of the Bharitya Nagarik Suraksha Sanhita. Applicant/accused booked in Crime No.146 of 2025, for the offences punishable U/Section 20(b)(ii) 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.**

<b>Sr. No.</b>	<b>Point</b>	<b>Finding</b>
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 submitted that the applicant is falsely implicated in this case and arrested on 29/05/2025 by Nagpur Railway police in crime No.146 of 2025 registered for the offences punishable under Section 20(b)(ii) of the NDPS Act. It is alleged by the prosecution that on 11/04/2025 the GRP railway police, Nagpur while performing on duty on platform No.6 they went inside train No12409 at about 12.29 hrs in General Coach, they found in said coach a blue and grey colour sack bag on seat No.70-71 in suspected condition. The police started inquiry with passengers and opened the bag found six packets wrapped with khaki tape containing Ganja 8.55 Kg an intermediate quantity. Therefore, registered the offence against unknown person under of the offence of NDPS Act.
5. It is submitted that applicant arrested on 29/05/2025 and since then is in jail. The applicant submitted that he has been arrested by the police on the basis of contraband Ganja 8.55 Kg which is an intermediate quantity. The applicant is ready to abide by all conditions if released on bail. Hence, prayed that application be allowed.

6. The Investigating officer opposed the application on the ground that this is serious offence. The said accused is resident of Jepur, Odisha, if he is released on bail, he will not remain present before the Court for trial and tamper with evidence and witness. As such, it is submitted that the application be rejected.
7. Learned APP argued that the applicant travelled to the place from where Ganja was purchased and he was travelling with co-accused. Applicant found in possession in Ganja. He submitted that accused apprehended by police in railway coach. Applicant ran away leaving behind the bag on the railway station. Applicant was also involved in transport of Ganja. Hence, applicant is not entitled for bail.
8. Learned Counsel for the applicant submitted that the police falsely implicated him in this crime. The investigation is completed and Charge-sheet is filed. The contraband Ganja 8.55 Kg seized by the police is an intermediate quantity. Further custodial interrogation is not necessary to the present applicant accused. Hence, prayed for grant of bail.
9. After going through the record it appears that apparently arrest memo reveals that applicant is resident from Jeypur, District Korapur, Odisha. There is ticket placed on record by the prosecution in order to show that whether the applicant was traveling in the train or not. the police seized contraband Ganja 8.55 kg from the accused is an intermediate quantity. But there is no direct evidence to show that the applicant was traveling as passenger and transporting Ganja together. There is absolutely no doubt applicant accused is jail since five months and contraband found in his possession is below the commercial quantity, therefore, rigor of Section 37 of the NDPS Act is not applicable. Now the charge-sheet is filed and trial yet to be

commenced, so it is not just and proper to keep the accused in custody in the interest of justice. Hence, this Court is opinion that as the applicant is in custody since 29/05/2025 and though the charge-sheet is filed but it will take time to commence the trial and no purpose would be served by keeping the accused for indefinite period. The applicant is ready to abide by all terms and conditions as imposed by the Court. Therefore, it is fit case to exercise the discretion of bail. Consequently, proceed to pass following order.

**ORDER**

1. Application is allowed.
2. Applicant/accused ***Divvari @ Bidori Krishna Sharma Virprakash Sharma***, be released on bail, on executing Personal Recognition for bond of Rs.1,00,000/- (Rupees One Lakh only) with Local surety in the like amount, in Crime Register No.146 of 2025 of Police Station GRP Railway, Nagpur, for the offence punishable U/Section 20(b)(ii) 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 furnish local surety for the satisfaction of the Court.*
  4. *The applicant shall not leave the India without prior permission of the Court.*
  5. *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.*

6. *Applicant/accused shall remain present on each date of proceeding or as and when called.*
7. *The contravention of terms of conditions above would lead to cancellation of the bail.*

*Dictated and pronounced in open Court.*

Date : 30<sup>th</sup> October 2025.

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