



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

Presided over by  
Shri. M. S. Ganorkar.

**Special Case No.566 Of 2025.**

CNR No: MHNG010096552025.

Crime No.285 of 2025, P. S. New Kamptee.

State of Maharashtra.  
(Through P.S.New Kamptee)

V/s

Tarik Parvez Mohammad Khurshid.

**Applicant - Tashin Kamal Mohd Altaf.**

Order below Exh.49  
(Date: 25<sup>th</sup> August 2025)

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.285 of 2025, for the offences punishable U/Sections 8(c), 22(b) 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 has arrested by New Kamptee police station in Crime No.285 of 2025 under Section 8(c), 22(b) and 29 of the NDPS Act. It is alleged that the police official received secret information that accused persons are gathered at New Shan-a-Punjab Hotel Room No.101, Khairi, Kamptee, therefore, the complainant API Sachin Yadav conducted raid in the night of 31/05/2025/01/06/2025 and raiding officer seized 46.72 gms Mephedrone (MD) from the accused along with two wheelers and cell phone with sims. Thereafter, registered the offence under NDPS Act.
5. It is submitted that the applicant is falsely implicated in this case and there is no involvement in the present crime and the applicant arrested on 02/06/2025 and since then he is in jail. It is further submitted that already the applicant is arrested on 02/06/2025 and had undergone to Police custody and then is in Judicial Custody. It is submitted that as the intermediate quantity of alleged contraband shown as seized from accused persons 46.72 gms of alleged

contraband as MD. The applicant submitted that now the charge-sheet is filed and his custodial interrogation is not necessary. Hence, prayed for application be allowed.

6. On the other hand the application strongly opposed by the prosecution on the ground that it is case of commercial quantity and therefore, rigor of Section 37 of the NDPS Act is applicable. It is also submitted that the applicant was found with the alleged seizure of contraband is commercial quantity. If the accused will be released on bail, he may abscond. He may pressurize the witnesses and prayed for rejection of the application. Therefore, application be rejected
7. I. O. submitted his say. On going through the same it appears that ASI Sachin Yadav received a secret information that accused persons were gathered at New Shan-A-Punjab Hotel, Room No.101, Khairi, Kamptee and I. O. along with police staff conducted raid in the night of 31/05/2025 and seized 46.72 gm MD from the accused and accordingly complaint was lodged. I. O. further submitted that the applicant is habitual offender and criminal antecedent against him. The crime chart is also placed on record. Hence, prayed for rejection of the application.
8. Learned Counsel for applicant argued that it is first offence of the applicant. The applicant is in custody since last about 80 days. Further detention of the applicant is not necessary for the investigation. The charge-sheet is filed. The applicant is falsely implicated in this case. The quantity of drug found in possession is 46.72 gms which is below commercial quantity. There is no likelihood the applicant would abscond. He is ready to abide by all condition if released on bail and co-operate with the investigation. It is intermediate quantity. Hence, prayed for grant of bail.

9. Learned APP argued that the applicant if released on bail may abscond and he may repeat such offence in future. Hence, prayed for rejection of application.
10. It appears that total 46.72 gms of MD seized from the accused is below the commercial quantity. The applicant is in custody since last about 70 days. Since, it is case of intermediate quantity, the substantial investigation is completed and charge-sheet is filed therefore, rigor of Section 37 of the NDPS Act is not applicable. No purpose would be served by keeping the accused in custody for indefinite period. The other accused in this case is released on bail. It will take long time to complete with the trial. The quantity of MD powder seized in this case is below the commercial quantity. Hence, the accused cannot be kept behind bar till disposal of the case. If the applicant released on bail he is ready to abide by all conditions and will not tamper with the evidence and witnesses. Even the C. A. report filed by prosecution on record it appears that it is white crystalline powder. The other accused persons are released on bail, therefore, on the ground of parity the applicant is entitled for bail. Hence, application deserves to be allowed. Consequently, proceed to pass following order.

#### ORDER

1. Application is allowed.
2. Applicant/accused ***Tashin Kamal Mohd Altaf***, 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.285 of 2025 of *New Kamptee Police Station*, for the offence punishable U/Section 8(c), 22(b) 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 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. *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.*
4. *Applicant/accused shall remain present on each date of proceeding or as and when called.*

Dictated and pronounced in open Court.

Date : 25<sup>th</sup> August 2025.

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