



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

Presided over by
Shri. P. M. Nagalkar.

I. A. No.1 of 2024.

Special Case No. 756 of 2024.

CNR No: MHNG010119812024.

Crime No.742 of 2024, P. S. Gittikhadan.

State of Maharashtra.
(Through Gittikhadan.)

V/s

Rahul @ Batlya Shivpal Bahadure.

Applicant - Rahul @ Batlya Shivpal Bahadure.

Order below Exh.4.
(Date:17th January 2025.)

1. This is an application for issuance of directions as applicant/accused Rahul @ Batlya Shivpal Bahadure, be released on bail, U/Section 483 of the Bhartiya Nagarik Suraksha Sanhita. Applicant/accused booked in Crime No.742 of 2024, 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 Rahul @ Batlya Shivpal Bahadure, 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 came with case that he had been falsely implicated in this case as he never involved in carrying nor possessing or transporting the alleged contraband.
5. It is also submitted that there is no criminal antecedents and even without admitting his guilt submitting that the alleged quantity is intermediate quantity and no proper procedure have been followed even applicant arrested on 15/09/2024 and after police custody remanded to Judicial custody. Now the entire investigation have been completed and charge-sheet filed. As such no further custodial interrogation is necessary.
6. On the other hand the application opposed by the prosecution on the ground that the applicant might be available for trial and will commit similar offence and also contended that he is habitual offender.
7. On going through the record it appears that during the course of patrolling the applicant was found in suspicious manner and therefore, in presence of panchas he had been intercepted and inquired and from him conscious possession as 12 gm of MD

Mephedrone seized. After following due procedure arrest was made.

8. It is submitted that inventory have already been completed and samples were taken. Even C.A. report also filed on record along with charge-sheet.
9. The prosecution opposed the application on the ground that as he is habitual offender and having bad antecedents. The crime chart also annexed here-with the say. The offence appears of 2014, 2015 and 2020 that too in respect of preventive action, causing hurt and theft.
10. Further, it is submitted that the applicant would not be available as he is not permanent resident of Nagpur. Since, all crimes are much prior to this crime. There is similar crimes pending or convicted under the NDPS Act.
11. In view of this without giving any findings on merit it appears that the applicant is in custody since 15/09/2024. The charge-sheet have already been filed and the alleged quantity of contraband is intermediate quantity. The compliance of mandatory provisions is matter of trial. Therefore, by imposing stringent condition it is fit case to exercise the discretion of bail. Hence, the finding of point no.1 is recorded as '**Affirmative**'. Consequently, proceed to pass following order.

ORDER

1. Application is allowed.
2. Applicant/accused Rahul @ Batlya Shivpal Bahadure, 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.742 of 2024 (Spl. Case No.756 of 2024) of Gittikhadan *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 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 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 : 17th January 2025.

(Pramod M. Nagalkar)
Judge Special Court NDPS Act,
Nagpur.