



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

Presided over by
Shri. M. S. Ganorkar.

Special Case No.870 Of 2025.

CNR No: MHNG010140582025.

Crime No.771 of 2025, P. S. Saoner, Dist. Nagpur.

State of Maharashtra.

(Through P.S. Saoner, Dist. Nagpur)

V/s

Suresh Nanwatkar.

Applicant - Suresh Haribhau Nanwatkar.

Order below Exh.3

(Date: 20th November 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.771 of 2025, for the offences punishable U/Sections 8(b), 20, 22(b) 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 Saoner police station in Crime No.771 of 2025 under Section 8(b), 20, 22(b) of the NDPS Act. It is alleged that on 30/08/2025 the complainant received secret information that the present applicant is cultivating cannabis plants in his vegetable garden. On the basis of said information the complainant went on spot and took search found 4 - 5 plants were there in the garden and after uprooting the plants they weighed 2.663 Kg including green ganja, leaves, stems. Police seized in presence of panch, prepared panchnama, arrested the accused and thereafter, registered the offence under NDPS Act.
5. It is submitted that the applicant had not planted the said plants in the garden and the plants are seized from the land which is not adjacent to the resident of the present applicant but it is situated at some distance. The applicant is falsely implicated in this case and there is no involvement in the present crime and the applicant

arrested on 30/08/2025 and since then he is in jail. It is submitted that as the intermediate quantity of alleged contraband shown as seized from accused persons 2.663 Kg of alleged contraband as Ganja. 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 Investigating officer on the ground that the offence is serious. The applicant had cultivated the said contraband Ganja for selling purpose and the applicant is using the said contraband for getting financial benefit. If the applicant will be released on bail, he may abscond. He may pressurize the witnesses and prayed for rejection of the application.
7. I. O. submitted his say. On going through the same it appears that he received a secret information that accused persons were arrived in train No.12807 Vishakhapatnama Nizamuddin Samata Express arrived at Nagpur Railway Station while checking accused found contraband Ganja 18 Kg 600 gms seized from accused and accordingly complaint was lodged. If the applicant released on bail he will tamper the evidence and witnesses. Hence, prayed for rejection of the application.
8. Learned Counsel for applicant argued that 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 Ganja found in possession is 2.663 Kg 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 2.663 Kg of Ganja seized from the accused is below the commercial quantity. The applicant is in custody since last about 80 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. 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. There is neither any direct evidence nor any circumstantial evidence against the applicant. Hence, application deserves to be allowed. Consequently, proceed to pass following order.

ORDER

1. Application (Exh.3) is allowed.
2. Applicant/accused **Suresh Haribhau Nanwatkar**, 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.771 of 2025 of *Police Station Saoner*, for the offence punishable U/Section 8(b), 20, 22(b) 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 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. *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 : 20th November 2025.

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