



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

Presided over by  
Shri M. S. Ganorkar.

**Special Case No.880 of 2025.**

CNR No: MHNG010142262025.

Crime No.366 of 2025, P. S. Imamwada.

State of Maharashtra.  
(Through P.S.Imamwada.)  
V/s  
Nilesh Deshmukh and ors.

**Applicant - Nilesh S/o Laxman Deshmukh.**

Order below Exh.7  
(Date: 17<sup>th</sup> December 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.366 of 2025, for the offences punishable U/Sections 8(c), 22(c) 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.**

<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. The applicant submitted that he is peace loving and law abiding person. He has been falsely implicated in this crime and he was arrested on 21/06/2025 since then he is jail. It is alleged that the complainant Virendra Attached with Crime Branch NDPS Nagpur on 21/06/2025 while they were on patrolling duty at Rambagh, Jattarodi received information that individuals were traveling from Ajani Chowk to Medical Chowk in a white Maruti Swift Car bearing registration No.MH-49-BB-0613 carrying drugs. Therefore, the police went on the spot at that time they suspected vehicle arrived, therefore, police stopped the said car but driver of the car attempted to evade us by turning left towards Jattarodi chowk. After a brief pursuit managed to halt the vehicle and instructed the occupants to exit and suspecting the present of an illicit substance. Police asked their name they told their name Nilesh, Pranay, Ashish, Shubham. By following due procedure of law the police took search of the vehicle found the contraband MD powder 239.660 gms kept below the seat of passenger where accused Sumit was sitting seized by the police in presence of panch, prepared seizure panchnama, arrested the accused and registered the offence under NDPS Act.

5. The applicant submitted that he has been falsely implicated in this crime. He is serving with Ruhi Rahi Tours and travels as driver. Now the applicant is not working with the said tours and travels. In this matter one of the accused have given the order that they are going to travel out side of Nagpur and therefore, they have booked the vehicle and as per the order of the said owner he went for the tour purpose. Nothing is to be seized from the possession of applicant. Now the Charge-sheet is filed and the charge-sheet does not disclosed any material to prima facie seized from the possession of applicant either abated or attempted to commit any offence under the NDPS Act. The contraband already been seized, therefore, his custodial interrogation is not necessary. If the applicant released on bail, he is ready to abide by all conditions as imposed by the Court and he will not tamper with the evidence and witnesses. Hence, he prayed for grant of bail.
6. The Investigating officer submitted that from accused persons 239.660 gram MD and mobile seized from their possession. the offence is serious and it is commercial quantity. If the applicant is released on bail, he commit similar offence and tamper with the evidence and witnesses and bad message will go to people in society. Hence, prayed for rejection of the application. Hence, prayed that application be rejected.
7. Learned Counsel for the applicant that the alleged quantity seized from the vehicle and not from the applicant personally. It is further submitted that father of applicant is old aged and senior citizen. No personal available to look after his father in house. The applicant has earlier granted temporary bail by this Court on 12/09/2025 for 60 days period on the ground of the information in respect of pregnant of wife of applicant and for delivery of his wife. The applicant has

followed each and every terms and conditions which were imposed by the Court. The applicant is innocent and he has been falsely implicated in this crime. Now the charge-sheet is filed and the substantial investigation is completed and custodial interrogation is not necessary of the applicant accused. If the applicant released on bail he is ready to abide by all conditions and will not tamper with the evidence and witnesses. Hence, prayed that application be allowed.

8. Learned counsel for the applicant relying upon the authority of Hon'ble Supreme Court in case of ***Sri Shankar Dongarisaheb Bhosale....vs...The State of Karnataka, Criminal Appeal No.1221/2017***, in which Hon'ble Lordship held that the appellant is driver, he is totally ignorant about the contraband being carried in his vehicle and it may belong to the passengers who have fled from the spot. Therefore, since the contraband cannot be linked to the appellant. It was not expected to any taxi driver to give details of the passengers. No taxi driver/owner before allowing the passenger to board the taxi ask for such details from the passenger.
9. He further relied upon the authority of Hon'ble Supreme Court in the case of ***Hussainara Khatoon...vs...Home Secretary, State of Bihar***, the Hon'ble Supreme Court held that, *"Obviously procedure prescribed by law for depriving a person of liberty cannot be "reasonable, fair or just" unless that procedure ensures a speedy trial of determination of the guilt of such person. No procedure which does not ensure a reasonably quick trial can be regarded as "reasonable, fair or just" and it would fall foul of Article 21. There can, therefore, be no doubt that speedy trial, and by speedy trial we mean reasonably expeditious trial, is an integral and essential part of the fundamental right to life*

*and liberty enshrined in Article 21. The question which would, however, arise is as to what would be the consequence if a person accused of an offence is denied speedy trial and is sought to be deprived of his liberty by imprisonment as a result of a long delayed trial in violation of his fundamental right under Article 21".*

10. Learned Counsel for the applicant further relying upon the authority of Hon'ble Bombay High Court in case of ***Laxman Irappa Hatti...vs...State of Maharashtra (2014) 4 Mh.L.J.415*** in which Hon'ble Lordship held that after filing of the charge-sheet, apart from merits of the case, requires to consider whether the accused should be continued in custody even after the investigation is over.
11. Learned APP opposed by the application on the ground that the offence is serious. The contraband seized from the accused is commercial quantity. Rigor of Section 37 of the NDPS Act is applicable. If the applicant is released on bail he will tamper with the evidence and witnesses. He prayed that the application deserves to be rejected.
12. On going through the say of I. O., Spot panchanama and charge-sheet it appears that the contraband seized from the vehicle not in personal search from the applicant, therefore, it is not conscious possession. It is pertinent to mention here that after perusing the document of vehicle it appears that the applicant is owner of the vehicle and his business is tour and travels and working as driver and therefore, he was driving the vehicle. Since, it is not disputed that the applicant was a driver and that the contraband was seized from the vehicle while he was carrying passengers who fled from the scene, it cannot be said with any certainty that the applicant himself was carrying the contraband or has connived to carry the said contraband in his

vehicle. It is not expected to any taxi driver to give details of the passengers. No taxi driver/owner before allowing the passenger to board the taxi ask for such details from the passenger. Though the contraband seized is the commercial quantity but it is not seized from the possession of applicant as conscious possession. Considering the fact that no incriminating material was seized from the possession of applicant and that he had made any effort to run away, moreover, the contraband was seized were not found to be hidden but were rather visible, therefore, no found material on record to link the applicant driver with the aforesaid contraband. There is no prima facie case is made out against the present applicant and the ingredients of the Section 29 is not made out because there is no abetment or criminal conspiracy because the applicant was having no intention or knowledge. There is no evidence such as CDR of applicant showing contact with the accused. The substantial investigation is completed and charge-sheet is filed therefore, rigor of Section 37 of the NDPS Act is not applicable. The applicant is innocent. No purpose would be served by keeping the accused in custody for indefinite period. Likewise earlier temporary bail has granted to the applicant at that time no demeanor attitude or behaviour in nature of the applicant has shown to the Court. Therefore, Considering above said reason and facts and circumstances of the case, the applicant is entitled for bail. Considering the facts of the case relied upon the authority in case of *Sri Shankar (cited supra)* and case in hand are same. Hence, application deserves to be allowed. Consequently, proceed to pass following order.

**ORDER**

1. Application is allowed.
2. Applicant/accused *Nilesh S/o Laxman Deshmukh*, be released on

bail, on executing Personal Recognition for bond of Rs.1,00,000/- (Rupees One Lakh only) with solvent surety in the like amount and cash security amount of Rs.5000/- (Rupees Five Thousand), in Crime Register No.366 of 2024 of Imamwada *Police Station*, for the offence punishable U/Section 8(c), 22(c) 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 leave the Nagpur District without intimation to the Investigation officer.*
3. *The applicant shall not commit the similar offence of which he is charged.*
4. *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.*
5. *Applicant/accused shall remain present on each date of proceeding or as and when called.*

Dictated and pronounced in open Court.

Date : 17<sup>th</sup> December 2025.

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