



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 - Shubham @ Bhuryya S/o Rajesh Tidke.

Order below Exh.33
(Date: 30th March 2026)

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.

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?	...No.
2.	What order?	...Application Rejected 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. 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 he 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. Apart from that, there is no role played by the applicant in commission of offence. No purpose would be served by keeping the accused in jail for indefinite period. 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 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.

9. I perused charge-sheet, photographs of the inventory. They show that total quantity of MD contraband 239.660 gms seized from the car in which accused were travelling. The quantity of MD powder is huge and commercial quantity. The MD was came in car which was hired by three accused in this case. So they were having knowledge that MD powder is transported in the car. They were travelling together. In such circumstances all the accused had knowledge about possession of the MD powder. So conspiracy is evident from charge-sheet and section 29 of the NDPS Act is made out. In such circumstances the accused cannot escape from responsibility of carrying MD powder There is bar of Section 37 of the NDPS Act when possession of the MD powder is conscious. Hence, the applicant is not entitled for bail. Hence, the application deserves to be rejected. Consequently, proceed to pass following order.

ORDER

1. Application (Exh.33) is hereby rejected.

Dictated and pronounced in open Court.

Date : 30th March 2026.

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