

Order on Bail Application Exh.4 in Sessions Case No.9 of 2026

{Adnan Noorkalam Khatik Vs. State}

This is an application under section 483 of the Bharatiya Nagrik Suraksha Sanhita for grant of regular bail in CR 403/2025 registered with Mumbai Naka Police Station for offence under Section 8(c), 22(b) and 29 of NDPS Act after filing of Charge-sheet.

2. Perused the application, charge-sheet and say of I.O. Heard both the sides.

3. Present applicant is accused No.3 arrested on 07.11.2025. In all there are 08 accused. Accused Nos.1 to 7 are arrested. On 06.11.2025 at 23.50 hrs. at Kathe Galli, Nashik accused Nos. 1 to 4 were found selling narcotic substance MD. Accused No.1 Faiz brought 6.5 gram MD worth Rs.32,500/- from this applicant and his companions Shadab of Shrirampur. The accused are involved in the chain of procuring and selling narcotic substance. The whats-app photographs in the mobile show pictures of narcotic substance sent by accused. They are on whats-app chatting for narcotic substance is prima facie seen in evidence. Accused No.1 have money transaction for Rs.1,08,015/- from June 2025 to November 2025. The co-accused are involved in other CR for offence under NDPS.

The accused from whom he obtained the MD are from Shrirampur, also arrested. The mobile phones are seized. There are several calls between them. They are involved in the sale of narcotic substance by use of phone and whats-app.

4. Ld. Advocate for applicant submitted that investigation is

over. The commercial quantity is not found. There is no criminal antecedent. There is no necessity to keep applicant in jail. He is innocent and falsely implicated. The punishment is not more than 10 years. The provisions of Section 42 and 50 of NDPS Act are not followed by the police.

Ld. Advocate is relied upon bail order in favour of applicant passed in **CR No.403/2025** registered with **Mumbai Naka police station** for **offences under Section 8(c), 22(b) and 29 of NDPS Act**, wherein he is granted bail on 16.12.2025 by my Ld. Brother Judge.

Ld. Advocate further relied upon our Hon'ble Bombay High Court in the case of **Bhudhara Nag Vs. State of Maharashtra** reported in **ALL MR (Cri) 3804**, *in which the applicant's name revealed on interrogation with co-accused. The applicant was not found in possession of contraband.*

Ld. Advocate further relied upon Hon'ble Gujarat High Court in the case of **Yash J. Champaklal Shah Vs. State of Gujarat** reported in **2022 SCC Online Guj 271**, in which it is held that, *"mere contacts with co-accused who were found in possession of contraband cannot be treated to be corroborative material in absence of substantive material found against accused. There is no recording of conversation between accused. No criminal antecedents of applicant, hence bail granted"*.

5. Ld.A.P.P. pointed that, during investigation it is found that present applicant has sold the contraband obtained from co-accused No.1 and No.5. The applicant was in contact with accused Shaikh Faizan on phone and there are 24 calls with him. He has also made eight calls to accused No.1 who is found in possession of contraband. There are 135 calls with accused Kartik Bhagwan and 88 calls with accused Tajoddin. There are in all 415 calls with co-accused. They are all doing different roles for sale of contraband.

6. It is seen that, present applicant has criminal antecedents and he is already having CR No.403/2025 registered for offence under NDPS with Mumbai Naka police station and was on bail, thereafter he is now again found in present CR for similar offence. There is material against him to connect involvement. In these circumstances, as offence is serious. He even after getting bail in earlier CR, is involved in similar offence under NDPS Act. Hence, he is not entitled for bail. Hence, the following order,

ORDER

Bail Application is hereby rejected.

Date: 12.02.2026.

(Smt. Priti Kumar Ghule)
Additional Sessions Judge-6,
Nashik.