

MHNS010012922026



**ORDER BELOW EX. 01 IN CRIMINAL BAIL APPLICATION
NO. 317 OF 2026**

(Rahul Machindra Pawar vs. The State of Maharashtra through
Indira Nagart Police Station, Nashik)

(A)	CASE DETAILS	
i)	FIR number and Date	412 of 2024, dtd. 06.12.2024
ii)	Police Station, District and State	Indira nagar Police Station, Nashik, Dist. Nashik (Maharashtra)
iii)	Sections invoked	29, 22(c) and 8(c) of the Narcotic Drugs and Psychotropic Substances Act, (NDPS Act)
iv)	Maximum punishment prescribed	Rigorous imprisonment for a term not less than 10 years, which may extend to 20 years and fine.
(B)	CUSTODY & PROCEDURAL COMPLIANCE	
i)	Date of Arrest	25.02.2026
ii)	Total period of custody undergone	1 Month and 25 days
(C)	STATUS OF TRIAL :-	
i)	Stage of proceeding (Investigation/ Charge-sheet/ Cognizance/	Charge-sheet

	Framing of Charges/ Trial)	
ii)	Total No. of witnesses cited in the charge- sheet	N/A
iii)	Number of prosecution witnesses examined	N/A
(D)	CRIMINAL ANTECEDENTS :-	
i)	FIR No. & Police Station	01] 54 of 2023 of Sarkarwada Police Station, Nashik 02] 43 of 2025 03] 67 of 2023 of Gangapur Police Station 04] 72 of 2014 05] 166 of 2019 06] 342 of 2025 07] 138 of 2023 of Panchvati Police Station 08] 269 of 2021 09] 35 of 2018 10] 27 of 2022 of Mumbai Naka Police Station
ii)	Sections	309(4)6, 74, 115(2), 352, 109, 189, 191, 190, 61 of the BNS 427, 436, 302, 307, 504, 506, 394, 323, 452, 324, 392, 394, 143, 144, 148 of the IPC Arms Act and Mumbai Police Act
iii)	Status (Pending/ Acquitted/ Convicted)	Pending
(E)	COERCIVE PROCESSES:-	
i)	Whether any non- bailable warrant was	-

	issued?	
ii)	Whether declared a proclaimed offender?	-

The applicant/accused prayed for his release on bail under section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) in connection with C. R. No. 412 of 2024 registered with Indira Nagar Police Station for the offences punishable under sections 29, 22(c) and 8(c) of the Narcotic Drugs and Psychotropic Substances Act.

02] The survey of prosecution case as reveals from the recitals of the FIR that on 05.12.2024 the informant API Shri. Sanjay Tajne, ANC, Nashik received secret information about activities of the applicant. Accordingly, he a formed team and raided the premises. They noted the presence of three persons. On inquiry, they started running away. However, they were apprehended with the help of Police Team. On taking their personal search, they were found in possession of 61.5 grams Mephedrone (MD) which is a commercial quantity. It was recovered by drawing panchnama in presence of the panch witnesses after following due procedure. Hence, the complaint.

03] The bail is prayed mainly on the ground that the investigation of the matter is already over. The charge-sheet has been filed. It is further stated that nothing has been recovered at the instances of the present applicant and no overt act is attributed to him. Hence, prayed for release on bail.

04] The respondent-state has resisted the application by filing reply at Ex. 6 *inter alia* contending that the applicant along with co-accused was found in possession of the M D. weighing 61.5 grams which is worth Rs. 2,97,500/-. It is further contended that the applicant acted in conspiracy with the co-accused and found in possession of contra-band for its sale. It is further contended that analysis of the bank transaction of accused Nos. 1 to 5 clearly reveals the financial trail of substantial amount received after selling of the contraband. It is further stated that the CDR would reveal the conversation between the accused persons for procurement and sale of contraband from time to time. It is further contended that there are as many as 10 offences registered against the present applicant and he has committed subsequent offence whilst on bail. In the event of his release, he will indulge in the similar activities. Considering the status of the investigation, requested to reject the bail petition.

05] Heard the Learned Advocate of the applicant. He submitted that admittedly, no contraband was recovered at the instance of the applicant and except allegations that he acted in conspiracy with co-accused in selling contraband nothing more is charged against him. It is further stated that he is ready to abide by the conditions imposed by the court, in the event of his bail.

06] It reveals from the record that the applicant was apprehended along with co-accused and contraband namely Mephedrone (MD) weighing 61.5 grams has been recovered at their instances. It is evident that such quantity is a commercial quantity and therefore, rigour of section 37 of the NDPS Act

clearly attracted to the fact situation.

07] The investigation so far further reveals that the applicant was in contact with the co-accused and there was a financial trail inter se the bank accounts of the accused persons. There is huge amount transferred from time to time. CDR details would reveal that the applicant and co-accused have conversation in respect of the procurement, sale and disposal of the contraband.

08] It is further evident that there are as many as 10 criminal cases registered against present applicant with various Police Stations in the jurisdiction of Nashik District. Some offences are quite serious including that sections 302, 392, 394, 307 of the I. P. C. and also under the provisions of Arms Act. It is evident that the applicant whilst on bail in the foregoing offences, has committed the present offence, in breach of terms and conditions laid by the court while releasing him on bail in the former offence. The specific role is attributed to the present applicant in the commissions of offence, in as much, he not only used to sell contraband directly to the customer, but also, facilitate other accused persons to sell the contraband. Considering the same, the apprehension expressed by the prosecution that in the event of his release on bail, he would certainly indulged in the similar activities, cannot be ruled out.

09] In view of the above, the application deserves to be rejected in terms of order below:

ORDER

Criminal Bail Application No. 317 of 2026
stands rejected.

(Pronounced and dictated in open Court).

sd/-xxx

(V. V. Kathare)

Additional Sessions Judge,
Nashik

Place : Nashik

Date : 23.04.2026