

MHNS070015042026 	<u>Order Below Exh. 1 in Criminal Bail</u> <u>Application no. 524 of 2026</u> Shaikh Yaqoob Shaikh Rashid Vs. The State of Maharashtra
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1. Accused-applicant **Shaikh Yaqoob Shaikh Rashid**, vide present application under section **483** of the Bhartiya Nagarik Suraksha Sanhita seek him release on bail, from arrest in connection with **C.R. no. 83/2026**, registered at **Killa Police Station, Malegaon** under sections under sections 8(c), 20(b) and 2(b) of the Narcotics Drugs and Psychotropic Substance Act.

2. Ld. Advocate for the accused vehemently submits that co-accused is arrested in a purported raid, possessing intermediate quantity of Ganja stated to be of worth Rs. 14,250/-. It is contended that nothing is seized or recovered from this accused personally.

3. Further submitted that the mandatory provisions of Section 42 to 57 of the NDPS Act safeguarding the accused rights and interest are not complied. Accordingly, submitted that accused arrest and further investigation is vitiated. Also submitted that even otherwise as the seized contraband is less than commercial quantity, therefore, accused would be entitled to be released on bail. Reliance is placed on **Judgment and Order dated 21.11.2025**, passed by the **Hon'ble High Court Bombay in Cri. Bail Application no. 1546 of 2025** in the matter between **Vinod Bibhishan Pawar Vs. The State of Maharashtra**. Also submitted that as seizure and panchanama is done at the spot, therefore, now nothing remains to seize or recover from this accused, thus, investigation stands completed. Further submitted

that there is no antecedent to this accused, undertakes to co-operate in the investigation, accordingly, seeks release on bail.

4. Bail application is resisted by filing objection at Exh. 4 and Ld. APP vehemently, contending that intermediate quantity of 1.900 kg. Ganja worth Rs. 14,250/- is recovered from the house of this accused. It is submitted that this accused attempted to flee away, while the police had been to his house for conducting raid. Ld. APP vehemently contended that considering the huge quantity seized, it is a serious offence. Further submitted that investigation is yet continuing, in case of release on bail, possibility of fleeing away from trial cannot be ruled out. Accordingly, resisted the bail application.

5. Upon, perusing the bail application, the objection filed and hearing both the Ld. Advocates, at length, it appears that a secret information to Police Inspector Patil, resulted into raid at this accused's house, resulting into seizure of about 1.900 kg. Ganja, being intermediate quantity, worth about Rs. 14,250/-. Seizure and panchnama appear to have been done, at the time of raid itself.

6. FIR is dated 13.05.2026, this accused is arrested on the same day, seizures were already done in the successful raid on 13.05.2026. Thus it appears that sufficient investigation is done. Nothing is borne on record as what aspect of further investigation requires further detention of this accused. It is settled position that accused cannot be denied bail for reason of a co-accused absconding, or yet to be arrested. Thus, it appears that further investigation if at remaining, can be completed even without keeping this accused arrested. However, apprehensions raised and co-operation of this

accused in any further remaining investigation shall have to be ensured. Hence, the following order.

ORDER

[1] Applicant **Shaikh Yaqoob Shaikh Rashid** be released on bail, in connection with **C. R. no. 83/2026** registered at **Killa Police Station, Malegaon**, Dist. Nashik, upon furnishing his P. R. Bond of Rs. 50,000/- (Rs. Fifty Thousand only) with one or more surety of like amount on the following conditions that:-

(a) Applicant/accused shall attend the concerned police station on **every Monday and Wednesday between 11:00 a.m. to 3:00 p.m.**, till further orders.

(b) Applicant/accused shall not pressurize the witnesses and also shall not tamper the evidence, in any manner.

Date : 30.05.2026

(Y. H. Ameta)
Additional Sessions Judge,
Malegaon.