

(The structured frame work as per directions of Hon'ble Supreme Court in Criminal Appeal No. 825/2026)

A) CASE DETAILS

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| (a) | FIR Number and Date | 53/2026
18/01/2026 |
| (b) | Police Station, District and State. | Shirur, Pune
Maharashtra |
| (c) | Sections invoked. | U/s. 8(b), 22(c) and 29
of NDPS Act. |
| (d) | Maximum punishment prescribed. | Twenty years. |

B) CUSTODY AND PROCEDURAL COMPLIANCE.

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|------|------------------------------------|------------------|
| (i) | Date of arrest. | 20/01/2026 |
| (ii) | Total period of custody undergone. | 5 months 4 days. |

C) STATUS OF TRIAL

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|----|--|---------------------|
| a) | Stage of proceedings (Investigation/charge-sheet/ cognizance/ framing of charges/ trial. | Charge-sheet filed. |
| b) | Total number of witnesses cited in the charge-sheet. | 31 |
| c) | Number of prosecution witnesses examined. | Nil. |

D) CRIMINAL ANTECEDENTS.

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| 1) | FIR no. And Police Station. | Nil. |
| 2) | Sections | Nil. |
| 3) | Status (pending/acquitted/ convicted). | Nil. |

E) PREVIOUS BAIL APPLICATIONS.

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| A) | Court. | Nil. |
| B) | Case No. | Nil. |
| C) | Outcome of the cases. | Nil. |
| F) | <u>COERCIVE PROCESSES.</u> | |
| a) | Whether any Non-bailable warrant was issued. | Nil. |
| b) | Whether declared a proclaimed offender. | Nil. |

ORDER BELOW EXH.2

1. Present application has been filed by **applicant /accused No. 2 – Dnyandev @ Mauli Balu Shinde** under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, in crime registered with Shirur Police Station, Dist-Pune vide Crime No. 53/2026 for offence punishable under sections 8(c), 22(c) and 29 of the NDPS Act.

2. In short, it is the case of prosecution that on 17.01.2026 acting on the basis of secret information, informant API Kuldeep Dattatray Sankpal along with police staff and panchas caught accused no.1 while he was proceeding on motorcycle towards Baburao Nagar by laying trap. On search of bag on the person of accused no.1, they found Mephedrone (MD) weighing 1 kg 52 grams worth Rs.2,10,40,000/-. On inquiry from accused no.1 about its supplier, he disclosed the name of the accused no.2. Accordingly, accused no.1 and 2 came to be arrested in this crime and since 20.01.2026 the applicant/accused no.2 is

in jail. During further investigation it revealed that the accused no. 5 who is a police constable with Ahilyanagar Local Crime Branch had taken out aforesaid drug which was actually seized muddemal property of crime No.499/2025 registered with Shriram City Police Station and in its place filled refined wheat flour therein and gave the said drug to accused nos. 2 to 4 and the accused no.2 gave some quantity of it to the accused no.1. During investigation additional Mephedrone (MD) weighing 9 kg 655 grams worth Rs.19,31,00,000/- came to be seized. Accordingly, accused no. 3 to 5 also came to be arrested in this crime and they are behind bar. Accordingly, the accused no.2 has filed the present application for regular bail.

3. Investigating agency resisted the application by filing its say Exh.10 and prayed for rejection of the application.

4. Ld. Adv. Shri. A. B. Thorat for the applicant/accused no.2 took me through the charge-sheet and submitted that the applicant has been falsely implicated in this crime and he has no concern with it. Placing reliance on the case of **Tofan Singh V/s. State of Tamil Nadu, (2021) 4 SCC 1**) wherein it is held by the Hon'ble Supreme Court that any confessional statement made by accused persons is barred under section 25 of the Evidence Act and cannot be taken into account, he submitted that merely on the basis of statement of accused no.1, the name of applicant is arrayed as accused but the same is not admissible in evidence. On the same point he further relied on the case of (a) **Bhudhara Nag**

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V/s. State of Maharashtra (2025 ALL MR (Cri.) 3804), and (b) Rishikesh Prakash Mehtre V/s. State of Maharashtra, (2011 (1) Bom. C.R (Cri.) 582 wherein it is held that the confessional statement cannot be considered for registration of offence and they are not admissible in evidence. He took me through the notices filed in the charge-sheet and submitted that there is no proper compliance of the mandatory provisions of the NDPS Act and all correspondence placed on record are either manipulated and done within a very short time which itself shows that they are mere paper work and it is a planted recovery to trap the accused no. 5 in which the applicant has been falsely implicated. Regarding CDR he submitted that the applicant is a farmer and therefore, there was some communication between him and the other accused persons but there is no transaction of monetary gain between them and so the said CDR is also prima facie not sufficient to show the involvement of the applicant in this crime. He further submitted that the entire alleged muddemal has already been seized from the possession of accused no.1 and nothing has been seized from the possession of present applicant. Placing reliance on the case of Union of India V/s. Shiv Shankar Kesari, (2007) 7 SCC 798, wherein the Hon'ble Supreme Court explained the meaning and interpretation of section 37(1)(b)(a) of the NDPS Act, he further submitted that the seized drug though of commercial quantity but the same is not seized from the possession of applicant and so the bar under section 37 of the

NDPS Act does not applies. He further submitted that the investigation is already completed and charge-sheet has been filed and there is nothing to be recovered from the possession of applicant and so no purpose would be served in keeping him in jail. He further submitted that the applicant is sole earning member of his family. Placing reliance on the case of Ashkar V/s. State of Kerala, (2019) SCC Online Ker 1406, wherein the Hon'ble Kerala High Court granted bail to the applicant therein in NDPS Act as the petitioner was not having any criminal antecedents, he further submitted that the applicant has no criminal antecedents. Placing copy of ration card, 7/12 extract of the applicant, he submitted that the applicant is permanent resident of given address and so there is no question of absconding and all prosecution witnesses are police personnel or government servants and so, there is no question of tampering of prosecution witnesses. He is also ready to abide by any condition which may be imposed by this Court and as such prayed for releasing him on bail.

5. Ld. A.P.P. Shri. Vijay Fargade for the State took me through the charge-sheet and submitted that the accused no.1 was found in possession of huge commercial quantity of MD drug worth Crores of rupees and he has disclosed that it is the present applicant who in collusion with remaining accused persons including a police constable have supplied the same and thus, there is prima facie case involvement of the applicant in the

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alleged crime. He further submitted that in addition to raiding party members there is statement of Nitin Bajrang Shendge which shows the involvement of the applicant in this crime. He further submitted that there is also CDR which shows communication between the applicants. He further submitted that there is proper compliance of all the mandatory provisions of NDPS Act. He further submitted that although charge-sheet has been filed but there is strong prima facie case against the applicant and there is bar of section 37 of the NDPS Act in granting bail to the applicant. He further submitted that if the applicant is released on bail, then there is possibility of repeat of offence, tampering of prosecution witnesses and evidence and absconding of applicant which will hamper the trial and as such prayed for rejection of the application.

6. In the light submissions advanced by both sides, I have perused the application, say filed by the investigating officer and the charge-sheet. Perused the aforesaid authorities relied upon by Ld. Advocate for the applicant. Charge-sheet discloses that the police officers along with staff and panchas raided the spot by laying trap on the basis of secret information and they caught the accused no.1 and on search of bag on his person they found huge quantity of Mephedrone (MD) weighing 1 kg 52 grams worth Rs.2,10,40,000/- in his possession and on further inquiry the name of present applicant/accused no.2 came to light to be drug supplier. During investigation huge quantity of Mephedrone (MD)

weighing 9 kg 655 grams worth Rs.19,31,00,000/- also came to be seized from the possession of remaining accused persons. In addition to it, there is participation of accused no. 5 who is a police constable with LCB Ahilyanagar and taking advantage of his official position, he has taken out aforesaid drug seized in crime no. 499/2025 registered with Shriram City Police Station by refilling refined wheat flour therein and gave said huge quantity of drug to accused no.2 and other accused persons and they in turn were selling it through accused no.1. There is also statement of Nitin Bajrang Shendge which shows that the accused no.2 is dealing in MD drug and he is its seller. There is also CDR showing relationship between the accused persons. Various station diary and notices placed in the charge-sheet shows proper compliance of all the mandatory provisions of NDPS Act. Overall the charge-sheet discloses that there is prima facie evidence against the applicant and it is the applicant who appears to be a drug peddler.

7. Certainly nothing has been found directly in the possession of applicant but if the charge-sheet is perused then the same prima facie points towards the fact that it is the applicant who has given the aforesaid MD drug to the accused no.1. This is not a case wherein the applicant is arrested merely on the statement of co-accused. Rather there is statement of relative of accused no.2 which shows that he is supplier of such drug. Therefore, the benefit of ratio laid down in the aforesaid authorities cited supra by the Ld. Advocate for the applicant is not

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available to him. Moreover, what has been seized is huge commercial quantity of MD weighing more than 10 kg worth Rs. 21,00,00,000/- and so the bar under section 37 of the NDPS Act applies.

8. The alleged offence is serious in nature and punishable for imprisonment of 10 years. Although charge-sheet has been filed but looking to the nature of offence and quantity of prohibited drug and the applicant being a drug peddler, the apprehension of prosecution if the applicant is granted bail, then there is possibility of pressurizing the prosecution witnesses and absconding of accused no.2 cannot be ruled out completely. All this will seriously hamper the trial.

9. For the aforesaid reasons the applicant has failed to make out a case for releasing him on bail at this stage. Therefore, this application deserves to be rejected. Resultantly, the following order :-

ORDER

Application (Exh.2) is rejected.

(Dictated and pronounced in open Court.)

Ghodnadi-Shirur.
Date:24/06/2026.

(N. S. Momin)
Additional Sessions Judge,
Ghodnadi-Shirur, Dist. Pune.