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Special Case No.757/2026

MHPU380026532026



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

A) **CASE DETAILS**

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

B) **CUSTODY AND PROCEDURAL COMPLIANCE.**

- |      |                                    |                  |
|------|------------------------------------|------------------|
| (i)  | Date of arrest.                    | 18/01/2026       |
| (ii) | Total period of custody undergone. | 5 months 6 days. |

C) **STATUS OF TRIAL**

- |    |                                                                                          |                     |
|----|------------------------------------------------------------------------------------------|---------------------|
| 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.                |

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- D) **CRIMINAL ANTECEDENTS.** Nil.
- 1) FIR no. And Police Station. Nil.
- 2) Sections Nil.
- 3) Status (pending/acquitted/ convicted). Nil.
- E) **PREVIOUS BAIL APPLICATIONS.**
- A) Court. Nil.
- B) Case No. Nil.
- C) Outcome of the cases. Nil.
- F) **COERCIVE PROCESSES.**
- a) Whether any Non-bailable warrant was issued. Nil.
- b) Whether declared a proclaimed offender. Nil.

**ORDER BELOW EXH.6**

1. Present application has been filed by **applicant /accused No. 1- Shadab Riyaj Shaikh** 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. 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. Applicant/accused No.1 is behind bar since 18.01.2026. Accordingly, the accused no.1 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. Ali Kashif Khan for the applicant/accused no.1 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. He further took me through the charge-sheet and submitted that PI Shri. Kenjale who was a member of the raiding party told the accused that he himself is a

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gazetted officer and thereby disuaved the accused no.1 from exercising his rights under section 50 of the NDPS Act. He further submitted that as the mandatory procedure of search as provided under section 50 of the NDPS Act has been violated, there is no prima facie case against the applicant. He further took me through the charge-sheet and submitted that if the entire charge-sheet is seen then there is no prima facie case against the applicant. He further submitted that the entire alleged muddemal has already been seized and nothing is remaining to be seized from the possession of present applicant. He further submitted that there is no bar of section 37 of the NDPS Act. 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. He has no criminal antecedents. He 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 on the disclose statement of accused No.1, the remaining accused persons including a police constable who has supplied the drugs to them came to be arrested and thus, there is prima facie case involvement of the applicant in the alleged crime. He further took me through the charge-sheet and submitted that there is proper compliance of search as contemplated under section 50 of the NDPS Act and there is no procedural defect in it. He further submitted that although charge-sheet has been filed but there is strong prima facie case against the applicant as he was caught red handed over the spot with prohibited drugs 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 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 on the spot itself 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

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inquiry the name of remaining accused persons including a police officer 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, it came to light that the 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. 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. The bone of contention of Ld. Advocate for the applicant is that there is no proper compliance of section 50 of the NDPS Act. However, I do not agree with the submission. On perusal of notice given to the accused No.1 under section 50 of the NDPS Act placed in the charge-sheet it shows that PI Kenjale has given information to the accused No.1 that he is a gazetted officer and whatever was found was in the bag which was on the person of the accused No.1. In addition to it, independent panchas were also present. No grivance was made by the accused No.1

about any such non compliance when he was produced before the Ld. Magistrate. So, prima facie it cannot be said that the accused No.1 was not given sufficient opportunity of getting search before any gazetted officer.

8. During the course of argument, Ld. Advocate for the applicant relied on the case of Miraj Hasim Shaikh @ Sabul Biswas V/s. State of Maharashtra, [Bail Application No. 2477/2023 decided by the Hon'ble Bombay High Court on 27.02.2024]. I have gone through the aforesaid authority cited supra. It was a case wherein the police officer who was a gazetted officer had told the accused that he had a right to conduct the personal search and to be searched before another gazetted officer or Magistrate. The search of accused therein was conducted by a person who was not authorized to do the said search. The accused was behind custody for more than four years. There was no likelihood that the trial could be concluded within a reasonable period. Under such set of facts, the Hon'ble Bombay High Court pleased to grant bail to the applicant therein.

9. Reliance is further placed by the Ld. Advocate for the applicant on the case of Surtaram Kishnaram V/s. State of Maharashtra and Anrs. [Criminal Bail application No. 481/2026 decided by the Hon'ble Bombay High Court on 23.04.2026]. I have gone through the aforesaid authority cited supra. It was a case registered by Customs Police station against the accused therein. Deputy Commissioner who was also a gazetted officer

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and a part of the raiding team when the search of applicant was conducted by the custom officers. Under such set of facts, the Hon'ble Bombay High Court came to conclusion that she cannot be treated as an independent officer and the applicant being behind bars for more than one years, pleaded to grant bail to the applicant therein.

10. Nobody can dispute the aforesaid preposition of law. However, in the present case PI Shri. Kenjale who was gazetted officer has given due intimation to the accused No.1 before searching him and there was no such grievance by the accused No.1. Therefore, the facts of the present case is different from both the rulings cited supra. With due respect, both the rulings cited supra are not applicable to present case.

11. 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. 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.1 cannot be ruled out completely. All this will seriously hamper the trial.

12. 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.6) is rejected.

(Dictated and pronounced in open Court.)

Ghodnadi-Shirur.  
Date:30/07/2026.

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