

MHRG010009822025



Spl. (NDPS) Case No. 42/2025

State of Maharashtra
through PSO Murud Police Station
V/s.
Alwan N. Dafedar & Ors.

:: ORDER BELOW EXH. 115 ::
[Passed on 24.12.2025]

1. This bail application u/sec. 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 is filed by applicant/accused no. 11 Anoop Rajesh Jaiswal, in the present case arising out of Crime No. 35/2025 registered with Murud Police Station u/sec. 8(c), 20(b)(ii)(C) and 29 of The Narcotic Drugs and Psychotropic Substances Act, 1985 (in short NDPS Act), u/sec. 318(4), 336(3), 340(2), 338, 3(5) of Bharatiya Nyaya Sanhita, 2023 (in short BNS).

2. Perused the bail application and say of the prosecution at Exh. 120. Heard both sides.

3. It is the case of the prosecution that, on 29.06.2025 while on night patrolling at around 01.49 a.m., near Shighre Check Post, Police noticed a Grey Suzuki Motor Scooter coming from Aagardanda towards Shighre Check Post. On seeing the Police, the pillion rider of the Scooter got down from the

Scooter and ran away. The Police got suspicious and gestured the rider of the Motor Scooter to stop at the Check Post, but, he did not stop and tried to flee. However, the Police accosted him. He was frightened and was behaving in a suspicious manner. Panchas were called. After following due procedure as per Law, the personal search of accused no. 1 Alwan Dafedar and the search of the scooter (which accused no. 1 was riding) was taken. In dickey of the said scooter there were two packets, one containing 484 grams of 'Charas' and other packet containing 292 grams 'Charas'. In inquiry it was revealed the said Scooter is in the name of Anoop Jaiswal i.e. the present accused no. 11 and the above said Charas belongs to accused no. 11 Anoop Jaiswal. Accused no. 1 also disclosed that the pillion rider who was with him was also involved in the offence and his name was Raju. Accordingly, Crime No.35/2025 had been registered against the accused at Murud Police Station under Section 8(c) and 20(b) II (B), 29 of the NDPS Act and 318(4), 336(3), 340(2), 338, 3(5) of the BNS. During the investigation the names of other accused were revealed. According to prosecution co-accused were in some way or other, part of the chain for the sale and purchase of 'Charas'.

4. As regards the present accused/applicant it is further alleged that at his instance, police team with panchas went to Siddhi Mohalla and allegedly the accused showcased one spot which was near to forest like area. It is further alleged that upon digging at that place they found out one black coloured bag with four bags in it. Upon weighing those four

bags they found out to be of 1.88 kg. On individual weight of each bag, it found to be 0.466 kg., 0.490 kg., 0.430 kg. and 0.494 kg. respectively. It was found to be charas. The same was seized under the panchanama. On completion of investigation Charge-sheet is filed.

5. Ld. Adv. Shri. Bangera submits that, this is second bail application and the previous bail application of the present applicant/accused was withdrawn. He further submits that, the present applicant/accused came to be arrested on 10.07.2025. He submits that, the charge-sheet is filed. He further submits that, applicant/accused is falsely implicated in the alleged offence with ulterior motives. There is no iota of evidence against the present applicant. He is arrested merely on the basis of suspicion and there is no any cogent or reliable evidence to connect the applicant to the alleged offence. No prima facie case is made out against him. The provisions of NDPS Act are not followed by the Investigation machinery. Although the applicant/accused is alleged to have been found in possession of 1.88 kg. Charas, there is no compliance of section 50 and 57 of NDPS Act, which is mandatory and therefore bar u/sec. 37 of NDPS Act is not at all attracted against the applicant/accused. There are no criminal antecedents of applicant/accused. Applicant/accused will not abscond or flee away from the Court of justice. Applicant/accused will not tamper the prosecution witnesses if enlarge on bail. Co-accused are already enlarge on bail on 09/10/2025. Applicant/accused is ready and willing to abide by the terms and conditions that may be imposed upon

him.

6. Ld. Public Prosecutor Santosh Pawar drawn my attention to the say of the prosecution at Exh. 120. He submits that applicant/ accused is in the business of narcotic drugs. He not only sold the charas, he was also found in possession of 1.88 kg. charas. The vehicle use for transport of the charas is owned by the present applicant/accused. Moreover the charas found in the dickey of the said vehicle, weighing 776 gm. also belongs to the present applicant/accused, according to applicant/accused no. 1 Alwan Dafedar. He further submits that the present applicant/accused was found with commercial quantity of charas and therefore the bar u/sec. 37 of NDPS Act is attracted and therefore applicant/accused is not entitled for bail.

7. On being given opportunity to Ld. PP to oppose the bail application, prima facie this Court is of the view that, applicant/accused is in the business of narcotic drugs. Applicant/accused not only sold the charas to co-accused, he was also found in possession of 1.88 kg. charas from the spot shown by him at Siddhi Mohalla which was to the exclusive knowledge of applicant/accused only. Further the Scooter bearing registration no. MH-48-BK-9251, used for transport of the charas belongs to the present applicant/accused. Moreover the charas found in the dickey of the said vehicle, weighing 776 gm. also belongs to the present applicant/accused, according to accused no. 1 Alwan Dafedar. Moreover, since the present

applicant/accused was found with commercial quantity of charas, the bar u/sec. 37 of NDPS Act is attracted and therefore applicant/accused is not entitled for bail. Applicant/accused was found in possession of the commercial quantity of charas as stated above and it is sufficient to prima facie conclude that if applicant/accused is released on bail he will get involved in the similar offences in future. The tampering of the prosecution witnesses if he is released on bail cannot be ruled out. Charge-sheet prima facie, shows the compliance of section 50 and 57 of NDPS Act and therefore I do not find substance in the arguments of Adv. Bangera in that regard. For the above said reasons, I am not inclined to release the applicant/accused on bail. Hence I pass the following order.

:: ORDER ::

Bail application at Exh. 115 in Spl.(NDPS) Case No. 42/2025 of applicant/accused no. 11 Anoop Rajesh Jaiswal, is hereby rejected.

Place: Alibag
Date: 24.12.2025.

sd/-
(R. D. Sawant)
Sessions Judge, Raigad-Alibag.