

MHRG010011762025



**Spl. (NDPS) Case No. 76/2025**

State of Maharashtra  
through PSO Alibag Police Station  
V/s.  
Paramjeet Dilip Chaudhari & Ors.

**:: ORDER BELOW EXH. 12 ::**  
**[ Passed on 03.11.2025 ]**

1. This bail application is filed by **applicant/accused no. 3 Ali Hasan Shaikh**, u/sec. 483 of Bharatiya Nagari Suraksha Sanhita, 2023 ( in short BNSS), in the present case arising out of Crime No. 153/2025 registered with Alibag Police Station u/sec. 20(b), 20(b)(ii)of The Narcotic Drugs and Psychotropic Substances Act, 1985 ( in short NDPS Act ).

2. Perused the bail application and say of the prosecution. Heard Adv. Bangera for applicant/accused no. 3 and ld. PP. Shri. Santosh Pawar for state.

3. It is the case of the prosecution that, on 25.08.2025 PI Sale received information that two persons are coming to sell and purchase Narcotic Drug in the area of Siddharth Nagar to Saviri Building. Accordingly they laid trap in front of Guruji Hotel at Siddharth Nagar, Alibag. Accused No. 1 Paramjeet Chaudhari was found in possession of 5 packets of Ganja

weighing 12 gms each. Accused no. 2 Imran Biya fled from the spot but he was accosted later. Accused no. 2 was found in possession of 1.118 kg Ganja. Accordingly, Crime No.153/2025 had been registered against the accused at Alibag Police Station under Section 20(b), 20(b) (ii) of the NDPS Act.

4. Ld. Adv. Shri. Bangera for applicant/accused no. 3 submits that, present accused is 19 years boy and nothing has been seized from his custody. He has been arrested on the basis of statement of Co-accused. Moreover the prosecution has not invoke Sec. 29 of NDPS Act. He further submits that, no commercial quantity is involved in the present case. He further submitted that, now the investigation is completed and charge-sheet is filed and therefore he has 'not pressed' the bail application filed during the pendency of charge-sheet and therefore this this bail application can be entertained. He further submitted that, the panchas utilized in this crime are government servants and therefore there is no question of threatening the witnesses. He further submitted that, accused is ready to abide by the terms and conditions that may be imposed by this court and prayed for allowing the bail application. Ld. Adv. Shri. Bangera in support of his submissions, placed reliance on the judgment of Hon'ble Supreme Court in case of **Tufan Singh V/s. State of Tamilnadu, in Criminal Appeal No. 152/2013**, and on the judgment of Hon'ble Apex Court in case of **Birbal Prasad @ Birbal Prasad Sah @ Birbal Prasad Sao @ Birbal Sah V/s. State of Bihar, reported in 2018 ALL MR (Cri) 2293 (S.C.)**

5. Prosecution has opposed the bail of applicant/accused no. 3 by filing say at Exh. 16 contending that, accused no. 3 is resident of West Bengal and three of the co-accused are still absconding. He further submits that, accused no. 3 used to purchase Ganja from Dinesh Jadhav, who is absconding. He submits that, the Pay T M bank statement reflect that he used to purchase Ganja from Dinesh Jadhav. He further submits that, accused are Drug Peddlers and considering the seriousness of offence the possibility of absconding of accused cannot be ruled out and prayed that bail applications of accused no. 3 be rejected.

6. It is no more res integra that filing of charge-sheet is sufficient to say that, there is change in the circumstance and therefore this court can very well entertain the bail application. He was not arrested on the spot as per the alleged information. He was arrested on the basis of statement of co-accused. Present applicant/accused no. 3 was not found with any contraband. Sec. 37 of NDPS Act prima facie will not be attracted as there is no material on record to infer that applicant/accused have hatch conspiracy to commit the offence. That being so at this stage it is difficult to infer that applicant is involved in an offence of commercial quantity. Moreover, no commercial quantity of Ganja is involved in present crime. As such, parameters laid down u/sec. 37 of NDPS Act will be of hardly any consequence while considering the prayer for grant of bail of the applicant/accused herein. The court is not informed about any criminal antecedents of the applicant/

accused, which would disentitle the applicant/accused from bail. Applicant/accused no. 3 is native of West Bengal, cannot be ground to infer that he will abscond and will not make himself available for trial. Moreover, three of co-accused are yet to be arrested cannot be ground to reject bail. Hence I am impelled to exercise discretion in favour of the applicant/accused. Hence the following order.

**:: ORDER ::**

1. Bail applications at Exh. 12 in Spl.(NDPS) Case No. 76/2025 are hereby allowed.
2. Applicant/accused no. 3 Ali Hassan Shaikh, be released on bail on executing PR bond of Rs. 25,000/- with one or two sureties of like amount.
3. Applicant/Accused shall not in any way indulge in any criminal activities and they shall not influence the witnesses or otherwise interfere with the fair trial.
4. Applicant/Accused shall furnish the self attested documents showing their residential address and Adhar Card, Pan Card if any and furnish their mobile numbers.
5. Applicant/Accused shall not leave India without permission of the Court.
6. Applicant/Accused shall attend the Court on each and every date.
7. If Applicant/Accused violates any of the bail conditions, Id. P P will be at liberty to move the application for cancellation of bail.

Sd/-

( R. D. Sawant )

Sessions Judge, Raigad-Alibag.

Place: Alibag

Date: 03.11.2025.

## CERTIFICATE

I affirm that, the contents of this P.D.F file order are same, word to word, as per the original order.

Name of Stenographer : Smt. S. S. Puro (Grade- I)

Court : Principal District Judge,  
Raigad-Alibag.

Date of Order : 03.11.2025.

Order signed by the  
Presiding Officer on : 03.11.2025.

Order uploaded on : 04.11.2025.