

SPECIAL CASE NO. 39-2025
CNR No. MHRT0100006772025.

The State

Prosecution

Versus

Adwait Sandesh Chavande

Accused

Order Below Exh. 9
(Dated 04.11.2025)

1. Applicant / Accused Adwait Sandesh Chavande filed this application U/Sec. 483 of B.N.S.S. for grant of regular bail in Crime No. 279/2025 of Ratnagiri City police station; for the offences punishable under Sections 8(c), 21(b) of the N.D.P.S. Act.

2. Ld. Counsel for the applicant submitted that this is first bail application after the charge-sheet. That one application for bail was filed before filing of charge-sheet, however, the same was rejected on the ground that the investigation was in progress.

3. He further submitted that FIR came to be lodged on 26.06.2025 and the applicant came to be arrested at 01.02 a.m. of 27.06.2025. There are allegations that he was found in possession of 8 gm. brown heroin which he was selling. He is in custody for more than four months. That there is no material to

show that the applicant was possessing the articles for selling purpose. There is no independent witnesses. Out of total 15 witnesses 13 are police personnel while two are panchas. The spot is in heart of the city. However, the police have not got any independent witness. No material to show the allegations of sale, such as the list of customers, call details. Therefore, Section 37 of the NDPS Act would not be applicable.

4. No description of the alleged suspicious movements of the applicant. There is no case that either the applicant tried to run away or dropped any article allegedly possessed by him. This show that he has been falsely implicated in the matter.

5. That he is local resident of Ratnagiri city and having deep roots in the society. There is nobody to look after his grand-mother. His grand-mother is solely dependent on him. It may take considerable time to conclude the trial. Hence, he may be enlarged on bail on appropriate conditions.

6. On the other hand, Ld. SPP submitted that merely filing of charge-sheet would not amount to change in circumstances. That the applicant was found in direct possession of the contraband articles and it is not the case of indirect possession. Therefore, it is a conscious possession. The quantity is more than minor quantity. Therefore, there can not be any defence of

consumption. There is no explanation that for such considerable possession. The charge-sheet has filed and the prosecution is ready to cooperate for expeditious hearing of the matter. On the other hand, if enlarged on bail, there is possibility of repetition of similar crime which is serious offence against the society. Hence, application may be rejected.

7. On the point of independent witnesses he rightly submitted that this is not a case of general offences under I.P.C. like riot or murder which can be noticed by general public. It is an offence under special category which can be committed and gone unnoticed by general public. Therefore, it is obvious that every time independent witnesses from general public could not be available. The offence is serious and involved considerable amount of packets. There is no possibility of committing similar offence if enlarged on bail. This is an offence against society.

8. That the quantity i.e. 88 packets of alleged contraband articles is indicating seriousness of the offence. It also prima-facie indicates that the packets were meant for circulation/sale. Therefore, there is prima-facie material indicating that the applicant would be a member of a supply chain/syndicate of such contraband articles which are more harmful in nature. No doubt, the rigor of Section 37 may not be

applicable to this case. However, at the same time it can not be ignored that quantity of packets indicates gravity of the offence.

9. There is strong prima-faice material against the applicant. Moreover, the investigation has completed and the trial can be initiated shortly. The prosecution has indicated that the prosecution is ready to go on with the trial. In these circumstances, the applicant is not entitled for the bail. At the most he may apply for expeditious trial and renew his prayer of bail if the trial would not commenced on or before 30th April, 2026. Hence, I pass following order.

ORDER

1. Application Exh. 9 is rejected.
2. The applicant is at liberty to renew the prayer for bail, if the trial would not commence on or before 30th April, 2026.
3. Inform the concerned accordingly.

Date :- 04.11.2025

(V. Y. Jadhav)
Sessions Judge, Ratnagiri.