



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION [ABA] NO. 744 OF 2026.

Akash Lalmoham Gupta

-VERSUS-

State of Maharashtra

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri A.C. Jaltare, Advocate for the Applicant.
Shri H.R. Dhumale, A.P.P. for the Non-applicant/State.

CORAM : M.M. NERLIKAR, J.

DATE : SEPTEMBER 02, 2026.

Heard.

2. The applicant is apprehending his arrest in connection with Crime No.604/2025 registered with Ramnagar Police Station, Chandrapur for the offences punishable under Sections 22[B], 29 and 8 [c] of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS).

3. The learned Counsel for the applicant submits that apart from statements of co-accused, who have named the applicant that he has supplied M.D. drug to

them, there is not a single circumstances to connect the applicant with the alleged crime. The said statements are not admissible, and in such circumstances, the applicant deserves to be granted anticipatory bail. It is submitted that charge sheet is also filed and in the entire charge sheet, apart from aforesaid statements, there is nothing against the applicant.

4. On the other hand, the learned A.P.P. vehemently opposed the application and submits that the charge sheet is filed under Section 335 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023. It is submitted that so far as the applicant is concerned, the investigation is still going on, and it cannot be said that the same is complete against the applicant also. He further submits that when the accused no.1 was apprehended, he disclosed name of applicant and accused no.2, and after arresting accused no.2, even he disclosed name of applicant, thus, the applicant is involved in the crime. 5 gm of M.D. drug was found in possession of accused no.1, and there is material against the applicant, as he is the main person who is selling said drug, and unless and until he is taken

into custody, the investigation could not be said to be complete, thus, the applicant does not deserves to be granted anticipatory bail and his application is liable to be rejected.

5. I have considered the rival submissions of the parties. Admittedly in the entire charge sheet, apart from the statements of accused nos.1 and 2, who have implicated the applicant, there is nothing on record. It appears that the investigating officer has not collected material to connect the applicant with the alleged crime. The first information report was registered on 26.07.2025, and till date not a single circumstance or material is collected by the investigating officer. Considering these facts, I am inclined to allow the application by granting anticipatory bail to the applicant by imposing stringent conditions. Hence, the following order.

ORDER

- (i) Criminal Application is allowed and disposed of.
- (ii) In the event of arrest of the applicant Akash

Lalmohan Gupta in connection with Crime No.604/2025 registered with Ramnagar Police Station, Chandrapur for the offences punishable under Sections 22[B], 29 and 8 [c] of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS) he be released on interim bail on furnishing PR bond of Rs.25,000/- with one solvent surety in the like amount.

- (iii) The applicant shall attend the concerned Police Station on every Sunday, between 10 a.m. to 1 p.m. till the filing of the supplementary charge sheet and further as and when called by the Investigating Officer.
- (iv) The applicant shall not tamper with the prosecution evidence in any manner.
- (v) The applicant shall not misuse this grant of bail.
- (vi) Misc. Applications, if any, also stands disposed of.

JUDGE