



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

928 ANTICIPATORY BAIL APPLICATION NO. 1012 OF 2025

Arif @ Nasaa S/o. Yunus MemonApplicant

Versus

The State of MaharashtraRespondent

.....
Advocate for Applicant : Mr. Joyeb I. Shaikh
APP for Respondent : Mr.S.B.Narwade
.....

CORAM : ABHAY S. WAGHWASE, J.

DATE : 26 AUGUST, 2025

ORDER :

1. This is pre-arrest bail application apprehending arrest in connection with crime bearing no.713 of 2024 registered with Loni Police Station, District Ahmednagar, for the offence punishable under Sections 8(c) and 20(b) of the Narcotic Drugs and Psychotropic Substances Act (NDPS Act).

2. Learned counsel for the applicant submits that above FIR is lodged by the Police Official alleging possession of Ganja. According to learned counsel, such allegations are against other accused. That, applicant was not named in the FIR. That, he was never in

possession of the Ganja. That, he was neither seller nor supplier of the Ganja. That, his name has been cropped up first time in remand report dated 27-12-2024 after co-accused named him. Thus, there is involvement only on information of main accused while in custody. That, whatever was to be seized is already seized and no more recovery is to be made. That, investigation is already over and charge-sheet is filed. As the applicant is ready to co-operate in the investigation, learned counsel prays for relief as urged for.

3. While opposing the application, learned APP pointed out that serious offence under the NDPS Act has been committed. Though applicant is not named in the FIR, according to learned APP, main accused has named present applicant to be his associate and to be involved in the above offence and therefore, for effective investigation, learned APP opposes the application. He places reliance on the rulings of Hon'ble Supreme Court in the cases of *Sumitha Pradeep v. Arun Kumar C.K. and Another (2022) 17 SCC 391* and *Muraleedharan v. State of Kerala, 2001 DGLS (SC) 674..*

4. Heard. Perused the FIR dated 26-12-2024 and other papers. It appears that crime was registered by Nilesh Satpute, Police Constable

against accused Sabir Ramzan Shaikh wherein he has alleged that on 26-12-2024, while he and other Police Officials were on patrolling duty, at around 13:45 hours, they come across a person carrying a black and blue bag and his movements were suspicious and therefore, he was chased and apprehended. It is alleged that, in the search of said bag, psychotropic substances were found. Therefore, higher officials were informed and in further search of the said bag, two packets were found and when those packets were opened, Police claims to have come across green Ganja and therefore, above named person was apprehended.

As pointed out, applicant's name has appeared in remand report dated 27-12-2024. Thus, while apprehension of main accused, present applicant was not in his company. Papers show that investigation is over and copy of chargesheet is also annexed herewith. Whatever was to be seized is already seized. Further investigation pertaining to present applicant can be carried out by securing his presence. Accordingly, following order is passed :

ORDER

- (i) Anticipatory Bail Application is allowed.

(ii) In the event of arrest of applicant in connection with crime No.713 of 2024 registered with Loni Police Station, District Ahmednagar, for the offence punishable under Sections 8(c) and 20(b) of the Narcotic Drugs and Psychotropic Substances Act, he shall be released on executing P.B. and S.B. of Rs.15,000/- with one surety in the like amount.

(iii) The applicant shall attend the concerned Police Station as and when called by the Investigating Officer and co-operate in the investigation.

(iv) The applicant shall not tamper the prosecution evidence.

(ABHAY S. WAGHWASE)
JUDGE