



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

CRIMINAL APPLICATION (BA) NO.410 OF 2025

(Pankaj Prabhakar Sathawane Vs. State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. R.M. Daga, Advocate for the applicant.
Mrs. M.A. Barabde, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- MAY 9, 2025.

2. By this application, the applicant is seeking bail as he came to be arrested on 15/08/2024 in connection with Crime No.20/2024 registered with Police Station Sakkardara, Nagpur, District Nagpur for the offences punishable under Sections 8(c), 22(b) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred as "the NDPS Act" for short).

3. As per the case of the prosecution that during patrolling duty the police officials have intercepted one co-accused Firoz @ Bhandra Wald Rafiq Khan and seized mephedrone weighing 3.77 grams. During enquiry with him, the name of the present applicant is revealed, and therefore, the raid was conducted at the father-in-law's house of the present applicant and during raid the mephedrone weighing 34.25 grams was seized worth of Rs.3,42,500/-. On the basis of the said investigation, the applicant is arraigned as an accused.

4. Learned Counsel for the applicant submitted that as the applicant was found with intermediate quantity which is lessor than the commercial quantity and greater than the smaller quantity, twin conditions of Section 37 of the NDPS Act will not attract and considering the investigation is completed and charge-sheet is filed, the applicant be released on bail.

5. Learned APP strongly opposed the application and submitted that there are criminal antecedents against the present applicant. The applicant was found selling the said mephedrone to the other customers as per the statements of the witnesses. In view of that, the application deserves to be rejected.

6. I have heard learned Counsel for both sides. Perused the charge-sheet. In this case, during the raid which is conducted on the basis of the statement of the co-accused, the applicant was found in possession with 34.25 grams mephedrone powder which is less than a commercial quantity, and therefore, the bar under Section 37 of the NDPS Act will not attract. The applicant is in jail from 15/08/2024 i.e. approximately from eight to nine months. Considering the fact that, the applicant was found in possession of intermediate quantity in view of the charge and the notification issued by the Ministry of Finance, the applicant has made out a case for grant of bail. Accordingly, I proceed to pass the following order:

- (i) The application is allowed.
 - (ii) The applicant – Pankaj Prabhakar Sathawane in connection with Crime No.20/2024 registered with Police Station Sakardara, Nagpur, District Nagpur for the offences punishable under Sections 8(c), 22(b) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, be released on bail, on executing PR. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
 - (iii) The applicant shall attend the concerned police station twice in a month i.e. 1st and 15th day of every month between 10.00 AM and 1.00 PM and shall cooperate with the investigating agency.
 - (iv) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case either personally or by way of electronic media.
7. The contravention of any of the condition would lead to the cancellation of bail.
8. The application stands disposed of.

(URMILA JOSHI-PHALKE, J.)