



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO. 587 OF 2025

Mansoor Munna Shaikh 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. Anil Shinde, counsel with Mr. V.P. Shinde, counsel for applicant.

Mr. N.B. Jawade, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 11/07/2025.

1. The applicant is seeking bail in connection with Crime No. 716/2024 registered with police station Bori (Butibori), District Nagpur Rural for the offence punishable under Sections 8(c), 20(b)(ii), read with Section 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act').

2. The applicant came to be arrested on 31/10/2024, and since then he has been in custody. As per the allegation in the FIR, the secret information was received by the local crime branch, Nagpur, about two persons coming to the *Jeep Dhaba* along with their luggage and carrying Ganja to Mumbai. Therefore, after completing all the formalities, the informant and other raiding party members intercepted these two persons, and two persons, namely Agnu Gopal Varma and Kundan Shankar Ingole, were found with a commercial quantity of Ganja of 14.31 kg. On the basis of the said

report, police have registered the crime. During the investigation, the involvement of the present applicant is revealed, and therefore, he is arrested.

3. Heard learned counsel for the applicant, who submitted that as far as the involvement of the present applicant is concerned, nothing is recovered from the applicant. Except the CDR reports, there is no other material to connect the present applicant with the alleged offence. Only the CDR report is not sufficient to connect the present applicant with the alleged offence.

Learned counsel for the applicant placed reliance on the order passed by Principal Seat in the case of *Ranjan Shannm Mawar Vs State of Maharashtra [Bail Application No. 3880/2021 dated 11/10/2022]*, wherein this Court has considered the aspect of the CDR report and observed that mere telephonic conversation or connection, in absence of the details of the conversation, by itself, cannot be an incriminating circumstance sufficient to convict the applicant.

4. He submitted that, in view of the observations of this Court in the present case, similar facts are there, except CDR report, there is no other material to connect the present applicant with the alleged offence, and there is no details as to the conversation also.

5. Learned APP strongly opposed the said application on the ground that there are various calls exchanged between the present applicant and the other

co-accused not before the incident but after the incident also. Thus, the connection of the present applicant with the co-accused was revealed, and therefore the bar under Section 37 will come into play. In view of that, the application deserved to be rejected.

6. On hearing both sides and on perusal of the investigation papers, it reveals that except the CDR report, the communication of the present applicant with the other co-accused, there is no other material collected by the investigating agency. Admittedly, mere telephonic conversation or connection, in absence of the details of the conversation would not be sufficient to involve the present applicant in the alleged offence. Since there is no recovery of the contraband from the applicant, and the only incriminating circumstance, on which the prosecution relied upon is the CDR report, it cannot by itself be sufficient ground to believe the involvement of the present applicant in the alleged offence. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order.

ORDER

- a] Criminal application is allowed.
- b] The applicant – ***Mansoor Munna Shaikh*** shall be released on bail in connection with Crime No. 716/2024 registered with police station Bori (Butibori), District Nagpur

Rural for the offence punishable under Sections 8(c), 20(b)(ii), read with Section 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, on executing P.R. Bond to the extent of Rs. 1,00,000/- with one or more sureties in the like amount.

- c] The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case.
- d] The applicant shall attend the concerned police station on 1st Monday of every month till culmination of the trial.
- e] The applicant shall attend the proceedings before the trial Court/Special Court without seeking any exemption unless there are exceptional circumstances.
- f] The applicant shall furnish his detail address along with the address proof before the trial Court.

Criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]