



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

CRIMINAL APPLICATION (BA) NO. 633 OF 2025

Dhiraj s/o Gopal Gupta 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. K.K.Gour, counsel for applicant.

Ms. H.N.Prabhu, APP for Non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 04/07/2025.

1. The applicant came to be arrested on 22/03/2025 in connection with Crime No. 109/2025 registered with Police Station Malegaon, District Washim for the offence punishable under Sections 8(C) and 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short "the NDPS Act").

2. The crime is registered on the basis of a report lodged by Police Officer Yogesh Dhotre, who received the information when he, along with his staff, was on patrolling duty the co-accused, Karan Jadhav, was carrying contraband namely Ganja, on the motorcycle for the purpose of selling the same. On receipt of the said information, the investigating agency followed the due procedure as required under the provisions of the NDPS Act. The said person was proceeding from Medshi bypass and was intercepted near one Samruddhi Dhaba and was inquired by the

investigating agency, and he disclosed his name. Accordingly, the notice under Section 50 was given to him to conduct his search. During the search, one American Tourister bag was found in which there were two polythene bags having said contraband article. The contraband article was found to be Ganja weighing 4.116 grams and having a value of Rs. 1,38,000/- During the investigation, it was revealed that the present applicant has sent the amount of Rs.15,000/- by PhonePe to another person in Orissa for the purpose of purchasing Ganja. Therefore, applicant came to be arrested.

3. Heard learned counsel for the applicant, who submitted that as far as the account statement is concerned, it does not belong to the present applicant. Nothing is seized from the present applicant. Only on the basis of the statement of the co-accused, he is arrested. As far as the bar under Section 37 will not attract, it is an intermediate quantity. Now, the investigation is approximately completed, and charge-sheet is already filed, further incarceration of the present applicant is not required.

4. Learned APP strongly opposed the said application on the ground that there is an account statement, and from the account statement, it reveals that some amount was transferred to Orissa to some person to purchase the said Ganja. Thus, involvement of

the present applicant was revealed, in view of that application deserves to be rejected.

5. On hearing both sides and on perusal of the investigation papers, it reveals that the immediate quantity was found along with the co-accused. As far as the connection between the present applicant and the co-accused is concerned, there is no material collected during the investigation. The entire investigation relied upon one account statement, and that account appears to be in the name of one Tilak Gupta. However, it remains unclear whether the said Tilak Gupta is the same person and the applicant is not ascertained during the investigation. Now, considering the investigation is completed, the charge sheet is already filed, and further incarceration of the present applicant is not required, in view of that the application deserves to be allowed. Accordingly, I proceed to pass the following order.

- a] Criminal application is allowed.
- b] The applicant -*Dhiraj s/o Gopal Gupta*, shall be released on bail in connection with Crime No. 109/2025 registered with Police Station Malegaon, District Washim for the offence punishable under Sections 8(C) and 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985, on executing P.R. Bond of

Rs. 50,000/- with one solvent surety in the like amount.

- c] The applicant shall not indulge himself in similar types of activities.
- d] A single registration of the crime would lead to cancellation of bail.
- e] The applicant shall attend the proceedings before the Special Court without seeking any exception unless there are exceptional circumstances.
- f] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

Criminal Application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]