



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

CRIMINAL APPLICATION (BA) NO. 679 OF 2025

Shital s/o Madhaorao Chindhalore

Vs.

State of Maharashtra, through Police Station Officer, Police Station Deori,
District Gondia

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A. R. Ingole, Counsel for the applicant.
Ms. Sneha Dhote, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 28/07/2025

1. The applicant came to be arrested on 23.05.2025 in connection with Crime No.207/2025 registered with Police Station Deori, District Gondia for the offence punishable under Sections 20(b)(ii) and 8(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act of 1989').

2. Heard learned Counsel for the applicant, who submitted that the crime is registered on the basis of report lodged by Police Head Constable Gyaniram Karanjekar on an allegation that when he was on patrolling duty, he witnessed the co-accused in suspicious circumstances, therefore he intercepted him and contraband article i.e. ganja was found in his possession weighing 1.190 Kg. During the inquiry, it revealed that he has purchased the same contraband

article from the present applicant. On the basis of his statement, the present applicant is arraigned as an accused. He submitted that except the statement of the co-accused, there is no other material to connect the present applicant with the alleged offence. Though CDRs are collected but that itself is also not sufficient to show the involvement of the present applicant in the alleged offence. Moreover, the quantity which is seized is a small quantity and therefore, the bar under Section 37 of the NDPS Act will not attract. In view of that, the applicant be released on bail.

3. Learned APP strongly opposed the said application and submitted that not only the statement of the co-accused, but the statement of the present applicant also sufficiently shows his involvement in the alleged offence. Moreover, CDRs are collected during the investigation from which it reveals that there was constant communication between the present applicant and the other co-accused. In view of that, the application deserves to be rejected.

4. On hearing both sides and on perusal of the investigation papers, it reveals that nothing was seized from the possession of the present applicant, but he was arrested on the basis of a statement of the co-accused. The contraband article found is 1.190 Kg. i.e. a small quantity, therefore, the bar under Section 37 of the Act of 1989 will not attract.

Except the statement of the co-accused and the CDRs report, there is no other material to show the involvement of the present applicant with the alleged offence. Considering the fact that the quantity is also a small quantity and except the statement of the co-accused, there is no other material, the applicant has made out a case for grant of bail. In view of that I proceed to pass following order:

ORDER

- (i) The application is allowed.
- (ii) The applicant **Shital s/o Madhaorao Chindhalore** shall be released on bail in connection with Crime No.207/2025 registered with Police Station Deori, District Gondia for the offence punishable under Sections 20(b)(ii) and 8(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985, on executing PR bond in the sum of Rs.50,000/- with one solvent surety in the like amount.
- (iii) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.
- (iv) The applicant shall attend the proceeding before the Special Court without seeking any exemption unless there are exceptional circumstances.
- (v) The applicant shall not indulge himself in a similar type of the activities and registration of the single offence would lead to the cancellation of the bail.

(vi) The applicant shall attend the concerned Police Station as and when required for the investigation purpose for issuance of notice of seven days in advance to the present applicant.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)