



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

CRIMINAL APPLICATION(BA) NO. 804 OF 2025

Komal Nitin Pawar Vs. State of Maharashtra

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. Mir Nagman Ali, counsel for the applicant.
Mr.Nitin R.Rode, APP for the State.

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATE : 12/09/2025

1. The applicant is arrested in the Crime No.486 of 2024 for the offence punishable under Sections 8(c), 21 (b)(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, NDPS Act.

2. In short, the story of prosecution case is as under:-

On 01.09.2024, the information was received and one person was found in suspicious manner in front of Indian Engineering Corporation shop, situated on C.A.Road. Upon examining the said individual, two transparent plastic packets were found in his possession containing Mephedrone (MD). It was seized. The said person was taken into custody and during the interrogation, he has disclosed the name of this applicant.

Upon arrest of this applicant, in house search 7.57 grams Mephedrone (MD) was seized from her.

3. The learned counsel appearing for the applicant has stated that the name of this applicant was disclosed in confessional statement of the co-accused, which is not admissible. The prosecution has relied on the CDR reports. According to the prosecution, the applicant was in contact with the accused No.3. As per the said report, she was in contact with accused No.3. The learned counsel appearing for the applicant has pointed out that the mobile or sim card of both the accused are not seized during the investigation. There is no compliance of Section 50 of the NDPS Act, the learned counsel appearing for the applicant has relied on the judgment in the case of *Ashok Kumr Sharma Vs. State of Rajasthan reported in 2013 DGLS (SC)30* stating that the search before a Gazetted Officer or the Magistrate were not complied with and right to be so searched was not made known to her.

4. The learned counsel appearing for the applicant further relied on the order of this Court in Criminal bail application No.2655 of 2024 (Saddam HussainAslam Sarant Vs. The State of Maharashtra) and Criminal Application (BA) No 1247 of 2024 (Mohd.Abdul Imtiyaz Mohd. Bdul Hanif Vs. State of Maharashtra) in support of his argument that the applicant cannot be convicted only on the CDR report as she

had communicated with the co-accused. The learned counsel appearing for the applicant has further stated that though commercial quantity is found with the other accused, in the house search of this applicant, 7.57 grams which is intermediate quantity of the powder is found with this applicant. Hence, prayed to release the applicant on bail.

5. The learned APP has opposed the application stating that the involvement of this applicant is clearly proved from the statement made by the co-accused. 7.57 grams MD powder has been found in the house search. In Suchna Patra she has mentioned that she is not willing to call any Gazetted Officer therefore, there is no question of non compliance of Section 50 of the NDPS Act. The CDR report will be considered at the time of trial, at this stage, this is not a fit case to release the applicant on bail.

6. Heard the learned counsel for the applicant and the learned APP. The applicant is arrested on the disclosure of her name in confessional statement of the co-accused. The quantity which was found in house search is intermediate quantity. Though the CDR report is filed on record along with the charge-sheet, it appears that the sim card or mobile phones of the applicant and the co-accused are not seized.

7. Considering the circumstances, the case is clearly made out for grant of bail to the applicant. Criminal application is allowed.

ii) Applicant- Komal Nitin Pawar be released on bail in Crime No. 486 of 2024 for the offence punishable under Sections 8(c), 21 (b)(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 on her furnishing P.R. Bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one surety in the like amount.

iii] The applicant shall attend the concerned Police Station once in a week, and the police Station Officer shall record her presence.

iv] The applicant shall not in any way tamper with the prosecution evidence.

v] The applicant shall not pressurize or threaten the prosecution witnesses.

vi] The applicant shall co-operate the investigation officer.

The Criminal Application stands **disposed of** accordingly.

JUDGE