



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

CRIMINAL APPLICATION (BA) NO.846 OF 2025

Mohsin @ Abbas Mohammed Ali Khan

Vs.

The State of Maharashtra, through Bori Police Station

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

Court's or Judge's orders

Mr. V. P. Shinde, Counsel along with Mr. Anil Shinde, Counsel for the
applicant.

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

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 02/09/2025

1. The applicant is seeking bail in connection with Crime No.716/2024 registered with police station Bori, 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 by the Jeep Dhaba along with their luggage and carrying Ganja and transporting the same 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. He in support of his contention, he placed reliance on the order passed by this Court in **Criminal Application (BA) No.587/2025 (Mansoor Munna Shaikh Vs State of Maharashtra) dated 11.07.2025** wherein the prayer of bail of the co-accused was considered by this Court.

4. He further reliance on **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. In view of that, he prays for releasing the present applicant on bail.

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 – **Mohsin @ Abbas Mohammed Ali Khan** shall be released on bail in connection with Crime No.716/2024 registered with Police Station Bori, 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 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 Special Court without seeking any exemption unless there are exceptional circumstances.

f] The applicant shall not indulge himself in similar type of the activities and single registration of the offence would lead to the cancellation of the bail.

g] The applicant shall furnish his detail address along with the address proof before the Special Court.

Criminal application is disposed of.

(URMILA JOSHI-PHALKE, J.)