



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

CRIMINAL APPLICATION(BA) NO.1273 OF 2025

Sayad Zamir Sayad Nur 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. R.M.Daga, counsel for the applicant.
Mr.VA.Thakare,APP for the State.

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATE : 16/12/2025

1. The applicant is arrested in Crime No.262 of 2025 registered with Police Station Kotwali, district Amravati for the offence punishable under Sections 8(c),21(c) and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short N.D.PS Act).

2. Two accused are arrested on 28/07/2025. The crime is registered. 107.79 grams of MD was recovered from the said accused persons. During the investigation, the accused have mentioned the name of this applicant. Thereafter on 23.07.2025 the information was received and the applicant was found standing near welcome point, he was in possession of 8.08 gms. MD powder. The learned counsel for the applicant has pointed out that in earlier offence, though the First Information Report is not registered against

this applicant, however, on 23.07.2025 the applicant was taken in custody and 8.08 gms MD powder was recovered from this applicant, the crime is registered along with the earlier offence and the commercial quantity is considered in respect of this applicant. The learned counsel for the applicant has relied on the judgment of this Court in the case of ***Tuntun Singh vs. The State of Bihar*** reported in ***Appeal (Crl) No(s). 10413 of 2022***, where the commercial quantity is not found in possession and if the investigation is completed and the charge-sheet is filed and no criminal antecedents, then the applicant can be released on bail. He has also relied on the order of this Court in Criminal ***Application (BA) No.804 of 2025*** (***Komal Nitin Pawar . Vs.State of Maharashtra***), wherein similar issue is considered by this Court about commercial quantity, which was bifurcated in two accused persons. The applicant is arrested after three days and in the said FIR quantity is considered. Hence, prayed to release him on bail.

3. The learned APP has opposed the application relying on the judgment of Hon'ble Apex Court in the Case of ***Arshad Karar Khan Vs. State of Maharashtra*** reported in ***2025SCC OnLine Bom 3955***, wherein in para 29 following observations are made:-

“29. Section 54 of the NDPS Act provides that when a person is found in possession of narcotic drugs or psychotropic substances, the

Court may presume that he has committed an offence under the Act unless the contrary is proved. The presumption is not absolute but places a clear duty upon the accused to give a plausible and reasonable explanation consistent with innocence”.

4. Learned APP has stated that as the applicant was found with MD powder and his name was disclosed in earlier offence, the quantity which was recovered connects this accused with the present crime and hence prayed to reject the application.

5. Heard both the sides and perused the record.

6. It appears that though earlier the offence was registered on 28.07.2025 and name of this applicant is not mentioned, the co-accused has mentioned the name of this applicant and on 23.07.2025, he was found with 8.08 MD powder. It is intermediate quantity. As per the order passed by this court in the case of **Komnal Nitin Pawar Vs.State of Maharashtra(supra)** if the intermediate quantity is found, the accused can be released on bail. There are no antecedents against this applicant. Charge-sheet is filed and commercial quantity is not there. Considering the observations made by the Hon'ble Apex Court in the case of **Tuntun Singh Vs. The State of Maharashtra(suptra)**, the

applicant needs to be is released on bail. Accordingly, I pass the following order:

i) The Criminal application is allowed.

ii) Applicant – Sayad Zamir Sayad Nur be released on bail in Crime No.262 of 2025 registered with Police Station Kotwali, district Amravati for the offence punishable under Sections 8(c),21(c) and 29 of Narcotic Drugs and Psychotropic Substances Act, 198, on his furnishing P.R. Bond in the sum of Rs.50,000/- (Rupees Fifty Thousand only) with solvent surety in the like amount before the trial Court.

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

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

v] The applicant shall co-operate the learned trial judge in the conduct of the trial.

7. The Criminal Application stands disposed of accordingly.

8. Pending application/s, if any, is/are stand/s disposed of.

JUDGE