



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

CRIMINAL APPLICATION (BA) NO.1167/2025

(Pankaj S/o Prabhakar Sathawane Vs. State of Maharashtra, through Police Station Officer Police Station Ajni,
Nagpur)

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

Court's or Judge's orders

Mr. R.M. Daga, Advocate for the applicant.
Mr. C.A. Lokhande, A.P.P. for the non-applicant/State.

CORAM: MRS.VRUSHALI V. JOSHI, J.
DATED: 1.12.2025.

The applicant is arrested in Crime No.287/2024 for the offence punishable under Sections 8(C), 22(C) and 29 of the N.D.P.S. Act.

2. Co-accused was arrested while conducting raid, he has mentioned the name of this applicant. The applicant was in jail in another crime of similar nature. The production warrant was issued against this applicant as the co-accused has given the statement that MD Powder is provided by this applicant and his car is used in said offence.

3. The learned Advocate for the applicant has stated that the statement of co-accused is inadmissible. He has relied on the judgment of this Court in the case of Mohammad Maifuz Mohammad Iqbal Sheikh V/s. State of Maharashtra (Criminal Application [BA] No.362/2025). He has also relied on the judgment of the Hon'ble Apex Court in case of Vijay Singh V/s. The State of Haryana (Petition(s) for Special Leave to Appeal (Cri.) No.(s).1266/2023). The Court has observed about the antecedents as the learned A.P.P. had pointed out that there are 20 other similar offences registered against this applicant. The applicant has also relied on the judgment

in the case of Sunilkumar Premaram Bishnoi V/s. State of Gujarat in support of his argument that the monetary transactions between the applicant and co-accused are not sufficient to implicate the accused in the crime. In the charge sheet the bank statement is filed on record and there are entries of transfer of amount of Rs.50,000/- which is prior to 4 months of registration of crime and Rs.40,000/- which is 3 months before the registration of crime. Therefore, these transactions are not out of sale of said drugs. The allegations about car used in crime is owned by this applicant are made. The number of car mentioned in statement is different and the number of car which is seized is different. As on the basis of statement of the co-accused applicant is produced in said crime and arrested, prayed to release the applicant on bail.

4. Learned A.P.P. opposed the application stating that there are 21 crimes registered against this applicant including this crime. Every time after his release on bail he has committed similar crime. The car which is used in crime is same and he has changed the number plate. Considering his antecedents, prayed to reject the application.

5. Heard both sides and perused the record.

6. It is the settled principle that the statement of co-accused is inadmissible as per the observations made in case of Tofan Singh V/s. State of Tamil Nadu delivered in Criminal Application No.152/2013. It is observed that a statement recorded under Section 67 of the N.D.P.S. Act cannot be used as confessional statement in the trial of an offence under the N.D.P.S. Act. Thus, the Apex Court has held that statement under Section 67 of the N.D.P.S. Act cannot be relied upon. In this case on the basis of statement of co-accused the crime is

registered against this applicant. The bank statements are filed on record. On perusal of it, it appears that the transactions were earlier to the registration of crime. Considering the statement made by the co-accused and the authorities cited by the applicant, case is made out to release the applicant on bail.

- i) Applicant - Pankaj S/o Prabhakar Sathawane be released on bail in Crime No.287/2024 for the offence punishable under Sections 8(C), 22(C) and 29 of the N.D.P.S. Act. on his furnishing P.R. Bond in the sum of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety in the like amount before the trial Court.
- ii) The applicant shall not in any way tamper with the prosecution evidence.
- iii) The applicant shall not pressurize or threaten the prosecution witnesses.
- iv) The applicant shall co-operate with the learned trial judge in the conduct of the trial.

7. The Criminal Application stands disposed of accordingly.

(MRS.VRUSHALI V.JOSHI, J.)