



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

CRIMINAL APPLICATION (ABA) NO.640/2025

(Ashwin S/o Sanjay Baksare Vs. State of Maharashtra)

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

Court's or Judge's orders

Mr. Nitesh Samundre, Advocate for the applicant.
Mr. N.R. Rode, A.P.P for the non-applicant/State.

CORAM: MRS.VRUSHALI V. JOSHI, J.

DATED: 9.10.2025.

The applicant is apprehending arrest in Crime No.560/2025 for the offence punishable under Sections 8(c) and 22(b) of the N.D.P.S. Act.

2. On 24.7.2025 information was received from Manas Helpline that present applicant is involved in drug supply and on the basis of said information, the investigation was initiated and raid was conducted. The police squad had visited the house of the applicant and the Investigating Agency took search but MD Powder could not be seized as the applicant had successfully thrown the bag containing MD Powder in neighbour's empty house from the window. However, after seeing that police had left the premises, the applicant asked one boy to bring said powder bag. At that time, verbal altercation took place in front of the house which was lying vacant near the house of the applicant. It is further submitted that verbal altercation turned into filthy abuses and physical assault because of which the offence under Section 109(1), 296, 115(2) and 3(5) of the B.N.S was registered. In said offence, the applicant was protected. When the Investigating Officer had been to the house of applicant for search of

contraband, he threw the bag containing contraband in the house which was lying vacant because of which the verbal altercation and physical assault took place and the second F.I.R. came to be registered and it was revealed that applicant was involved in the purchasing and selling of MD Powder drug to the needy persons. The crime is registered under the provisions of N.D.P.S. Act.

3. The MD Powder weighing 9.74 gram was seized.

4. The learned Advocate for the applicant has stated that earlier in same set of incident, this Court has protected the applicant by granting anticipatory bail. In this case, the quantity is not commercial quantity, MD powder is already seized and custodial interrogation of this applicant is not required. Hence, prayed to protect the applicant by granting anticipatory bail.

5. Learned A.P.P. opposed the application stating that at the earlier incident the applicant threw bag in the empty house which was lying vacant and thereafter during the investigation, said bag was seized. There are criminal antecedents against this applicant. The custodial interrogation of the applicant is necessary. Hence, prayed to reject the application.

6. Heard both sides and perused the record.

7. Though the applicant is earlier protected by this Court in the similar incident in Crime No.559/2025 which was registered for the offence punishable under Sections 351(3), 296, 115(2), 109(1) and 3(5) of the B.N.S., at that time, he successfully threw the bag in the empty house and in second incident it was found. As there are criminal antecedents and the applicant was found in possession of

said contraband, the custodial interrogation of this applicant is necessary. Hence, the application is rejected.

(MRS.VRUSHALI V.JOSHI, J.)