



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

CRIMINAL APPLICATION (ABA) NO.841/2025

(Pratik Pravin Kindarle Vs. State of Maharashtra, through Police Station Officer PS. Ramnagar, Distt. Chandrapur)

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

Court's or Judge's orders

Mr. A.S. Band, Advocate for the applicant.
Ms. M.A. Barabde, A.PP for the non-applicant/State.

CORAM: MRS.VRUSHALI V. JOSHI, J.

DATED: 11.12.2025.

The applicant is apprehending arrest in Crime No.853/2025 for the offence punishable under Sections 29, 22(c) and 8(c) of the N.D.PS. Act.

2. On 27.10.2025 the Police Officers of Local Crime Branch, Chandrapur got a secret information that co-accused Dipak Varma and Ashish Walke are illegally transporting NDPS by a car. On that day at about 18:55 hours they laid a trap on Mul-Chandrapur road, in front of Forest Academy, Chandrapur. At about 19:50 hours the aforesaid car came there, therefore, Police have stopped that car. The above named co-accused were travelling in that car. During the search, Police found 160 grams Mephedrone in that car. The police have seized that NDPS and a report was given to Ramnagar Police Station, Chandrapur. On that report, the officer In-charge of the said Police Station has registered a crime bearing No.853/2025 for the offence punishable under sections 8(c), 22(c) and 29 of the Narcotic Drugs and Psychotropic Substance Act, 1985 against above named co-accused. During the investigation, Investigating Officer came to know that the above named co-accused have procured the seized

contraband from accused at Nagpur and, therefore, the present applicant is made accused in the aforesaid crime.

3. The learned Advocate for the applicant has submitted that the co-accused has stated the name of this applicant. The Hon'ble Apex Court in the case of Sheesh Singh @ Mor V/s. State of Punjab (Criminal Appeal Nos.822/2020) has stated that if the name of the accused is disclosed by the co-accused then it is inadmissible and the bail was granted. He has also relied on the order of this Court in the case of Gulam Shabbir S/o Gulab Nabi V/s. The State of Maharashtra through Police Station Officer, Police Station Khadan, District Akola (Criminal Application (BA) No.668/2025) wherein this Court by relying on the judgment of the Hon'ble Apex Court in the case of Vijay Singh V/s. State of Haryana (Special Leave to Appeal (Cri.) No.1266/2023) has granted bail as the name of the accused was revealed during interrogation of co-accused and during the statement of co-accused the name is mentioned, therefore, the statement is inadmissible.

4. The learned A.P.P. opposed the application stating that the Hon'ble Apex Court in the case of the State of Haryana V/s. Samarth Kumar reported in 2022 LiveLaw (SC) 622 has rejected the application stating that bail in case of the offence under the provisions of NDPS Act cannot be granted. He has also relied on the judgment in the case of State by the Inspector of Police V/s B. Ramu reported in (2024) 2 S.C.R. 357.

5. Though the learned Advocate for the applicant has stated that the mandatory provisions to disclose the crime is complied by this applicant, he has not disclosed the crimes which are pending and

serious in nature, one of which is under the provisions of the NDPS Act and another is under Section 302 of I.P.C. Only mentioning that there are antecedents is not sufficient and that is not the compliance of the mandatory directions of the Hon'ble Apex Court. As the applicant has earlier also committed the offences, commercial quantity is found, and the applicant being the supplier of said NDPS, his custodial interrogation is necessary. Hence, prayed to reject the application.

6. The applicant has relied on the judgment of the Hon'ble Apex Court in the case of State by the Inspector of Police V/s. B. Ramu (supra). It is observed that in case of recovery of huge quantity and the accused is alleged to have criminal antecedents, the Court should be slow in granting even regular bail. It appears that though the name of this applicant is disclosed by the co-accused, relying on the judgment of the Hon'ble Apex Court in the case of the State of Haryana V/s. Samarth Kumar (supra), anticipatory bail to the applicant cannot be granted. Considering the earlier crimes registered against this applicant and though the learned Advocate for the applicant has tried to explain how the role of this applicant was immaterial, as the applicant has not disclosed the earlier offences and similar nature of offences are already committed by this applicant, his custodial interrogation is necessary. The criminal application is, therefore, rejected.

(MRS.VRUSHALI V.JOSHI, J.)