

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION**

CR. ANTICIPATORY BAIL APPLN. NO. 2505 OF 2025

Arbaj Alias Iftekhar Babasaheb Shaikh	...Applicant
<u>VERSUS</u>	
The State of Maharashtra	...Respondent

Mr. Kuldeep U. Nikam, Advocate for Applicant.
Dr. A. A. Takalkar, APP for the Respondent-State.

CORAM : NITIN B. SURYAWANSHI, J.
DATE : 14th JANUARY 2026.

P.C.

1. By this application, applicant is seeking anticipatory bail in Crime No.233 of 2024 registered with Sanjaynagar Police Station, District: Sangli for the offences punishable under Sections 8(c), 20(b) (ii)(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act).

2. Learned Advocate for applicant submits that his name is reflected on the basis of the statement of co-accused. By relying on the decision of this Court in the case of *Ajay Vijay Gagde V/s. State of Maharashtra*¹, he submits that in similar circumstances, this Court (Coram: N.J. Jamadar, J.) has granted anticipatory bail to the applicant therein. He therefore, prays for anticipatory bail.

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3. Learned APP on the other hand vehemently opposed the application stating that 10.027 Kilograms Ganja is recovered from the brother of applicant and they have stated at the time of seizure of the contraband that the same is brought by the applicant and they were proceeding to sell it. She then submits that two more offences are registered against the applicant. Out of that, one similar offence under the NDPS Act is registered against the applicant at Crime No.246 of 2023 registered with Umadi Police Station for the offences punishable under Sections 8(c), 20(b)(ii) & 24 of the NDPS, Act and another Crime No.32 of 2021 is registered with Miraj Police Station for the offences punishable under Sections 392, 411 of the Indian Penal Code and Sections 3 & 25 of the Arms Act. The investigation papers show that Ganja worth Rs.2,50,100/- is recovered from the real brother of applicant, namely Inamulhasan Babasaheb Shaikh/accused No.1.

4. Heard learned Advocate for the applicant, learned APP for the Respondent – State. Perused the record.

5. The investigation papers reveal that on secret information, accused No.1- Inamulhasan Babasaheb Shaikh and Arman Mirasab Shaikh were intercepted on 05.11.2024 at about 18:35 hours on the road from Dudhal Corner to Laxmi Mandir, near Kumbhar Hospital, Sangli. They were found in possession of 10.027 Kilograms of

narcotic drug-ganja, which they were transporting on a Vespa bearing registration number MH-10-DX-7381. On inquiry by the police, accused No.1- Inamulhasan Babasaheb Shaikh - brother of applicant disclosed that the Ganja was brought by the applicant and they were carrying it for sell.

6. The applicant has criminal antecedents as Crime No.246 of 2023 registered with Umadi Police Station for the offences punishable under Sections 8(c), 20(b)(ii) & 24 of the NDPS Act. It therefore appears that the applicant is repeatedly indulging in dealing with the narcotics substances. Another crime at C.R. No.32 of 2021 with Miraj Police Station for the offences punishable under Sections 392, 411 of the Indian Penal Code and Sections 3 & 25 of the Arms Act is registered against the applicant.

7. The decision in *Ajay Vijay Gagde V/s. State of Maharashtra (supra)*, was rendered in different facts. In that case it is observed by this Court that the statement of co-accused whether constitutes an extra judicial confession is debatable issue. There were no criminal antecedents against the applicant therein. Therefore, the said decision is of no help to the case of the applicant.

8. Taking into consideration the material collected during investigation and criminal antecedents of the applicant, it appears that the applicant is habitual offender. The custodial interrogation of

applicant is necessary for effective investigation. He does not deserve discretionary relief of anticipatory bail. In the result, application is rejected.

(NITIN B. SURYAWANSHI, J.)