



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

CRIMINAL APPLICATION [ABA] NO. 960 OF 2025

HARPREET SINGH S/o JASWINDER SINGH SAINI

VERSUS

STATE OF MAH., THRU. P.S.O., P.S., YASHODHARA NAGAR, NAGPUR

Office Notes, Office Memoranda of Coram,
appearances, Court's Orders or directions and
Registrar's order

Court's or Judge's Order

Mr. Prakash Naidu, Advocate for the applicant
Mr. N. S. Autkar, A.P.P. for the non-applicant/State.

CORAM : M. W. CHANDWANI, J.

Order Reserved on : February 05, 2026

Order Pronounced on : February 16, 2026

1. Heard Mr. Prakash Naidu, learned counsel appearing on behalf of the applicant and Mr. N.S. Autkar, learned A.P.P. appearing on behalf of the State.
2. The applicant is apprehending arrest in connection with Crime No. 789/2025 registered with Police Station, Yashodhara Nagar, Nagpur for the offences punishable under Sections 8(c), 20(b)(ii)(C), 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.
3. On receipt of secret information, a raid was conducted in the jurisdiction of Yashodhara Nagar police station, where they found one person behind Umar Faruq Masjid with a Maruti Omni car. They intercepted the said person. On enquiry, he told that his name is Mohd. Anwar Mohd. Ismail Ansari. Police took search of the said person and the Maruti Omni Car. During search, the police found seven bags which looked similar to each other. On opening the bags, it was found that each bag

contains stalks, flowering tops and leaves, weighing about 79.100 kg. Police took Mohd. Anwar in custody. On enquiry, he disclosed the names of the co-accused and accordingly, the aforesaid crime came to be registered.

4. During the course of investigation, the C.A.report confirmed that the seized material was Ganja. It was revealed from the arrested accused that the contraband ganja belongs to the applicant. The Call Details Report (CDR) of the accused and the applicant revealed that the applicant and the arrested accused had a word with each other on the mobile phone prior to the raid.

5. No doubt, during trial the statement of a co-accused cannot be used against other co-accused in wake of the decision of the Supreme Court in the case of *Tofan singh vs. State of Tamil Nadu (Criminal Appeal No.152 of 2013)*

6. No doubt, the conviction cannot be based on a confession statement of the co-accused. But in the investigation, the statement of the co-accused gives a lead. The CDR also shows that there were calls exchanged between the applicant and the arrested accused. The seized quantity of the contraband ganja is a commercial quantity. The offence relates to Narcotic Drugs, which is serious in nature. Looking at the seriousness of the offence, detailed investigation is required, in order to discover as to from where the said contraband was purchased or transported. Therefore, custodial interrogation of the applicant may be necessary.

7. So far as the reliance placed by the learned counsel for the applicant on the decision in the case of *Vijay Singh .vs. State of Haryana (2023 SCC Online SC 1235)* is concerned; let me state here that, the contraband seized in that case was not of commercial quantity.

8. In the case of *Sahil Firoz Shaikh .vs. State of Maharashtra (Criminal Appeal No. 4905/2024, decided on 29.11.2024)*, the appellants were 18 years of age having no criminal antecedents and one of the appellants was a woman. In those circumstances, anticipatory bail was granted by the Supreme Court.

9. In the case of *Navin Saini alias Chintu .vs. State of Punjab (Special Leave to Appeal No. 2710/2025, decided on 16.04.2025)*, anticipatory bail was granted on the ground of parity.

10. In the case of *Radheshyam Meena .vs. State of M.P. (MCRC No. 33844/2021 decided on 09.07.2021) (Madhya Pradesh High Court)*, there was no incriminating evidence other than the confession of the co-accused, whereas in the present case, apart from the confession of the co-accused, there are CDRs of two accused persons.

11. In the case of *Radhe Mahto @ Aditya Kumar .vs. State of Bihar, (Cri. Appeal No. 3552/2025, decided on 14.08.2025)* the shop was in the name of the father and therefore, the son was granted bail.

12. In the case of *Shabbir Jumme Khan .vs. State of Maharashtra (Cri.Application (BA) No. 568/2025, decided*

on 01.07.2025) (Bombay High Court), the CA report did not clearly mention that the contraband was Ganja and the applicant was released on regular bail, whereas present case pertains to anticipatory bail.

13. Considering the nature of allegations against the present applicant and the seriousness of the offence, no case is made out for exercising discretion in favour of the applicant to grant the extraordinary relief of anticipatory bail.

14. Accordingly, the criminal application is rejected.

(M.W.Chandwani, J.)

Diwale