



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

CRIMINAL APPLICATION [BA] NO. 285 OF 2026.

Salman Kha Amir Kha

-VERSUS-

State of Maharashtra

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri S.B. Gandhe, Advocate for the Applicant.
Shri A. Chutke, A.P.P. for Non-applicant /State.

CORAM : M.M. NERLIKAR, J.

DATE : MARCH 25, 2026.

Heard.

2. The applicant came to be arrested in connection with Crime No.60/2026 registered with Gadge Nagar Police Station, District Amravati, for the offence punishable under Sections 21[b], 22[b], 29 and 8[c] of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS).

3. The first information report in the matter came to be lodged by Manish Wakode working with Crime Branch, Amravati alleging that on 13.01.2026 a secret information was

received regarding sale of contraband drugs by one person wearing brown colour jacket and jeans near post office situated beside the Court. They found a Cruiser vehicle parked opposite the office of the Superintendent of Police. One person was sitting in the said vehicle. At that time another person came out from the office of the S.P. and took some item in polythene in the office. The police party reached there and after introducing themselves to the driver Aftab Khan Ashfaq Khan, enquired with him. On enquiry he stated that some 10-12 persons went to the L.C.B. Office, and upon search of the vehicle, they found one electronic weight machine and ziplock bag containing brown powder along with a spoon. The said drug was found to be M.D. and accordingly the report came to be lodged.

3. The learned Counsel for the applicant submits that the person from whom the contraband was recovered has not been made accused in the matter, and only on the basis of the statement recorded during investigation of the concerned person, the applicant is impleaded as accused. There is no recovery from the applicant and the quantity which was

recovered from Arbaz Khan is intermediate quantity, and therefore, the applicant be released on bail.

4. On the other hand, the learned A.P.P. opposes the application by submitting that Arbaz Khan has taken name of the present applicant. He concedes to the fact that said Arbaz Khan is not made accused in the present matter. Formal statement of Arbaz was recorded, and on that basis the present applicant has been made accused. There is one offence registered against the applicant and as the investigation is in progress, he may not be released on bail.

5. After considering the rival submissions, I am surprised of the fact that the person from whom the contraband drug was recovered has not been made an accused, but, on his statement, the applicant has been impleaded as an accused. The entire episode had occurred in front of the office of the S.P. Amravati. As was argued by the learned A.P.P. that the applicant and Arbaz Khan went to the office of the L.C.B. along with other persons in respect of some preventive action and at that time, the police authorities received secret information in respect of contraband, accordingly they made

enquiry during which it was disclosed by Arbaz that the jerkin in which the contraband was found, was belonging to him, however, the contraband was belonging to the present applicant. Considering the nature of above allegations, it is very difficult to accept that the applicant is involved in the crime when the contraband was recovered from the jerkin of Arbaz Khan and said Arbaz Khan has not been made accused for the reasons best known to the investigating officer.

6. In this view of the matter, considering the above facts and circumstances, though the investigation is in progress, I am inclined to grant bail to the applicant. Hence, the following order.

ORDER

- (i) Criminal Application is allowed and disposed of.
- (ii) The applicant /accused Salman Kha Amit Kha be released on regular bail in connection with Crime No.60/2026 registered with Gadge Nagar Police Station, District Amravati, for the offence punishable under Sections 21[b], 22[b], 29 and 8[c] of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS) on his furnishing P.R. Bond of Rs.50,000/-, with

two sureties in the like amount.

- (iii) The accused shall attend the concerned police station once in a week i.e. every Sunday between 10 a.m. to 2 p.m. till the completion of investigation and commencement of trial.
- (iv) The accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.
- (v) The accused shall provide his residential address and cell number to Police Station concerned and shall not change the place of residence without prior intimation to the Investigating Agency.
- (vi) On commencement of the trial, the accused shall attend each and every date of trial regularly. If he fails to attend the trial on one date, or fails to comply with the aforesaid conditions, his default would entail the State to ask for cancellation of bail.
- (vii) The above observations are prima facie in nature, and restricted for the purpose of deciding this application. The Trial Court shall not get itself influenced by said observations, during the course of trial.
- (viii) Misc. Applications, if any, are also disposed of.

JUDGE.