

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

CRIMINAL APPLICATION NO.308 OF 2026

Kunal Kishor Singh

..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

Shri Chaitanya Barve, Advocate a/w Shri Nishchay Jadhav,
Advocate for the applicant.
Ms T.H. Udeshi, APP for the State.

CORAM: M.M. NERLIKAR, J.

DATE : 23.03.2026.

Heard

2. By way of this application, the applicant is seeking bail in connection with Crime No.355 of 2024 registered with Old Kamptee Police Station, Nagpur for the offence punishable under Sections 8(c), 20(b)(2)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. The FIR came to be lodged against the present applicant and one more accused found on spot alleging that they carrying contraband articles i.e. Ganja. As the applicant allegedly fled from the spot, only on the basis of seized Aadhar Card, the applicant is arraigned as an accused in the present crime.

4. Learned Counsel for the applicant submits that in the absence of any material, the investigating agency came to the conclusion that the bags which were seized from the bus, contraband ganja. The description has not been elaborately stated either in the seizure panchanama or anywhere else and on the contrary, there is no

description of the contraband which was sent for chemical analysis. Neither the FIR nor the inventory report or the seizure panchanama shows the description and therefore, according to the applicant, seized article cannot be said to be the same, which was sent for chemical analysis. So far as the identity of the applicant is concerned, it is the case of the prosecution that upon inspecting the seized luggage, aadhar card of the applicant was found and on that basis the driver and conductor have identified the applicant. Accordingly, the search was made and the applicant was arrested almost after 10 months i.e. on 17.08.2025. No Test Identification parade was conducted and therefore, this case is totally based upon the circumstantial evidence, hence, the applicant deserves to be enlarged on bail since there all no criminal antecedents against the present applicant.

5. On the other hand, learned APP vehemently opposes the present application on the ground that the applicant was carrying contraband article i.e. ganja illegally. There was quarrel that took place between the driver and the conductor of the bus on the issue of payment of luggage since the applicant was carrying 2 big bags. As there was quarrel, driver and conductor immediately called the police, however till that time the applicant fled from the spot. Upon search and seizure, the police found aadhar card of the applicant and accordingly, the applicant was identified. It is also submitted that in the FIR, seizure panchanama and in inventory report, there is mentioning of Ganja and this fact cannot be ignored since the chemical analysis also

shows that there was contraband articles. It is further submitted that as the applicant from the State of Bihar there is least chances of attending the trial and therefore, the application deserves to be rejected.

6. I have considered the rival submissions and perused the record. It appears that during the seizure of the contraband it was identified as Ganja. However, on what basis the investigating agency has identified the said article as Ganja is not clear from the entire investigation papers. The contraband was sent for chemical analysis in which the description of the article was shown as "Greenish brownish colored leaves, flowering tops, seeds and stalks, put in zip lock polythene. Therefore it is very difficult to accept that the contraband which was seized is the same and the same was sent for chemical analysis. Apart from that merely on the basis of aadhar card the applicant was arrested. No Test Identification parade was conducted. Considering all these aspects and facts of the case, I am inclined to enlarge the applicant on bail on certain terms and conditions. Hence, the following order :

(a) The application is allowed.

(b) The applicant Kunal Kishor Singh in connection with Crime No.355 of 2024 registered with Old Kamptee Police Station, Nagpur be released on bail on furnishing P.R. bond of Rs.50,000/- with two sureties in the like amount i.e. one local surety and another surety of a resident of Karanpura, Post Durgawati, District Kaimur, State of Bihar.

- (c) The applicant 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.
 - (d) The accused shall provide his residential address and cell number to Police Station concerned and shall not change his place of residence without prior intimation to the Investigating Agency.
 - (e) The applicant shall not commit any similar type of offence.
 - (f) The accused shall attend each and every date of trial regularly. If he fails to attend the trial for two consecutive dates, or fails to comply with the aforesaid conditions, his default would entail the State to ask for cancellation of bail.
7. The observations are *prima facie* in nature and the Trial Court shall not be influenced by the same .
8. All Misc. application(s), pending if any, shall stands disposed of accordingly.

(M.M. NERLIKAR, J.)