



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

CRIMINAL APPLICATION [B.A.] NO. 359 OF 2026

Sahil Satish Lamdurwar

-- VERSUS --

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.

Mr. Uday Changle, Advocate for the Applicant.

Mr. A.R. Chutke, A.P.P. for the Non-applicant/State.

CORAM : M.M. NERLIKAR, J.

DATE : APRIL 06, 2026.

Heard.

2. The present application is filed seeking regular bail in Crime No.138/2025 for the offence punishable under Sections 8(c), 21(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered with Police Station Padoli, District Chandrapur.

3. The prosecution case is that on 06/09/2025, acting upon credible secret information received regarding transportation of contraband (brown sugar/heroin) by accused Nitin @ Chhotu Govardhan in a vehicle bearing No. MH-34 BR-7765, the police team of Local Crime Branch, Chandrapur, after following due procedure under Sections 42 and 50 of the Narcotic Drugs and Psychotropic Substances

Act, 1985, and obtaining necessary permissions, proceeded to lay check post at Padoli Chowk. The said vehicle was intercepted, and upon informing the occupants of their legal rights, a search was conducted in the presence of panch witnesses. During the search, no contraband was found on the person of the accused or co-passengers, however, upon inspection of the vehicle, a bag containing a yellow polythene packet with brown powder was recovered from the dickey. On inquiry, the accused disclosed the substance to be brown sugar (heroin). The seized substance was weighed on an electronic scale and found to be approximately 298 grams (about 302 grams). The contraband was accordingly seized and further legal action was initiated against the accused under the provisions of the NDPS Act.

4. The learned counsel for the applicant submits that though the applicant was involved in serious crime of Sections 8(c), 21(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, absolutely there is no role played by the applicant in the entire episode, except the fact that, the applicant was travelling along with the main accused. In the entire charge-sheet the prosecution has not brought on record that the applicant is having any nexus with other co-accused persons in respect of alleged crime. He further submits that the

main accused – Nitin @ Chhotu Shankar Govardhan is the friend of the applicant and he had taken the applicant to Nashik for the purpose of searching jobs, and therefore, he went along with him in search of job at Nashik. He had no idea about the said MD drugs and the activities of the accused No.1, i.e., Nitin @ Chhotu Shankar Govardhan. He further submits that neither there is any evidence in the nature of CDR between the applicant and other co-accused, nor there are any financial transactions which connects the applicant with the alleged crime. He further submits that even other co-accused persons has not taken the name of applicant, however, the main accused – Nitin in his disclosure statement has stated that the applicant assisted in procuring the MD drugs. He submits that such statement is not admissible, and therefore, considering the entire charge-sheet, there is no material except the statement of the accused, namely, Nitin @ Chhotu Shankar Govardhan. The learned counsel further submits that the sister-in-law of the main accused – Nitin has not been made accused though she was present in the car.

5. On the other hand, the learned A.P.P. vehemently opposes the application and submits that commercial quantity of MD drugs was found in the car, wherein the applicant along with Nitin @ Chhotu

Shankar Govardhan was travelling. He further submits that another lady namely, Hina Shah, who is the sister-in-law of main accused – Nitin was also travelling with them. However, the learned A.P.P. submits that she was not having any knowledge about the MD drug that main accused – Nitin was carrying in the car. As Nitin was returning from Nashik to Chandrapur she accompanied him. Further, the presence of the applicant in the car itself is sufficient to say that the applicant and the main accused – Nitin were in conscious possession of the contraband, and therefore, he submits that on secret information, the car was intercepted at Padoli check post which is on the route of Nagpur to Chandrapur. Therefore, considering the fact that, the main accused – Nitin had disclosed the name of the applicant and the applicant was found in the car, it cannot be said that the applicant was not having any knowledge about the said contraband, and therefore, he requests for rejection of the application.

6. I have considered the rival submissions. It appears from the record that secret information was received by the Police Agency, and accordingly, the car was intercepted at Padoli check post on the way which passes from Chandrapur to Nagpur. In the car there were three persons, i.e., main accused – Nitin, the present applicant and the sister-in-law of

Nitin. Admittedly, sister-in-law of the main accused – Nitin has not been made accused. It further appears that, apart from the disclosure statement of the accused No.1, namely, Nitin @ Chhotu Shankar Govardhan, absolutely there is no material in the entire charge-sheet. There are several calls between the main accused – Nitin and other co-accused also there are Whatsapp chats between the main accused and the other co-accused. However, neither the applicant was in contact with the co-accused, nor the applicant was having any bank transactions with the other co-accused. It is further to be noted that, at the relevant time, the applicant was also not having mobile phone. Therefore, whether the applicant was having knowledge about carrying of MD drugs by the Nitin-main accused in the car would be the question. Upon consideration of the entire material, only on the basis of the statement of main accused – Nitin, the applicant was involved. Further, so far as the conscious possession with the applicant is concerned, in the entire charge-sheet, it appears from the record that the applicant was not having any knowledge about the fact that the main accused – Nitin was carrying the said MD drugs. Considering all these factors, though there was recovery of commercial quantity of MD drugs, however, considering the role played by the applicant in the entire episode, and the fact that the investigation is complete and charge-

sheet is filed and the applicant is in jail since 06/09/2025, I am inclined to grant bail by imposing stringent conditions. Hence, the following order:-

ORDER

(i) The Criminal Application is **allowed;**

(ii) The applicant/accused (Sahil Satish Lamdurwar) be released on regular bail in connection with Crime No.138/2025 for the offence punishable under Sections 8(c), 21(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered with Police Station Padoli, District Chandrapur, on his furnishing a P.R. bond of Rs.25,000/- (Twenty Five Thousand Rupees) with one solvent surety in the like amount;

(iii) 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;

(iv) 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;

(v) 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 or even trial Court can *suo moto* take cognizance of this and cancel the bail;

(vi) Pending Misc. Application(s), if any, also stand disposed of.

7. The observations of this Court are *prima facie* in nature. The Trial Court shall not be influenced by the observations of this Court and the observations are restricted to this bail application only.

[M.M. NERLIKAR, J]