



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

CRIMINAL APPLICATION (ABA) NO. 101 OF 2026

(Sheikh Anis Sheikh Yunus Vs. State, thr PSO, PS Kondhali, Dist. Nagpur)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. Mohd. Naveed Opai, Advocate for applicant.
Ms. M.R. Kavimandan, APP for non-applicant/State.

CORAM : M.W. CHANDWANI, J.
DATE : 04.03.2026.

Heard the learned counsel for the applicant and
learned APP for the non-applicant /State.

2. The applicant is apprehending arrest in connection with Crime No. 57/2025, registered with Police Station Kondhaali, Nagpur, for the offences punishable under Sections 8(b), 20(b) (ii)(A) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, "N.D.P.S.Act") read with Section 111 of the Bharatiya Nyaya Sanhita, 2023.

3. Perusal of the case diary reveals that, on receiving secret information, police officer of Police Station, Kondhali, Nagpur conducted a raid on the field which is in the name of the wife of the applicant, wherein cultivation of cannabis was going on. During the raid, three persons who were cultivating there, were arrested. Since, the field is in the name of the wife of the present applicant, the applicant was also made an accused alongwith his wife.

4. The contention is that the applicant does not own the land in question and therefore, there is no involvement of the present applicant in this crime. To buttress his contention, the learned counsel for the applicant, has relied upon the decision of the Hon'ble Supreme Court in the case of ***Radhe Mahto @ Aditya Kumar Vs. State of Bihar (Spl. Cri. Appeal No. 9509/2025)*** wherein, the accused came to be released on bail on the ground that he was merely the owner of the shop, but the license was standing in the name of his son.

5. Perusal of the record further shows that the police have seized approximately 1.200 kgs cannabis which is intermediate quantity. It appears that the anticipatory bail application of the wife of the applicant came to be allowed only on the ground that it is the applicant who used to cultivate the land. Even otherwise, the applicant is the husband of the owner of the field. The case diary further reveals that it is the applicant who used to grow the cannabis in the field. Therefore, there is prima facie involvement of the applicant in the present crime and hence, the citation relied upon by the learned counsel for applicant will not assist him.

6. The offences are under the provisions of the N.D.P.S. Act which is a serious offence and therefore, extraordinary relief of anticipatory bail cannot be granted to the applicant. Hence, the application is rejected.

JUDGE

Belkhede