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

CRIMINAL APPLICATION (ABA) NO.871 OF 2026

SOHEL AHEMAD MUJIBUR RAHMAN SHEIKH
VERSUS
STATE OF MAHARASHTRA THR PSO., PS BALLARPUR,
DIST. CHANDRAPUR

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	*Court's or Judge's orders*

Mr. A.B. Waghide, Advocate for Applicant.
Ms. S.S. Dhote, APP for Non-Applicant-State.

CORAM : M.M. NERLIKAR, J.
DATED : 16th OCTOBER 2026

PER COURT :-

1. Heard learned Counsel for the applicant and learned APP for the State.

2. Apprehending arrest, the applicant has approached this Court under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of anticipatory bail, in connection with Crime No.800 of 2026, registered with Police Station Ballarshah, Dist. Chandrapur, for the offences punishable under Sections 21(b), 29, 8(c) of the Narcotics Drugs and Psychotropic Substances Act, 1985 and Section 78 of the Juvenile Justice Care (Care and Protection of Children) Act, 2015.

3. The brief facts of the prosecution case are that, on 28.07.2026, police got a secret information that some persons are in illegal possession of Mephedrone (MD Drug), for the purpose of sale to the customers. On the basis of said information, at about 00.20 hours, at New Paper Mill Colony, Kannamwar Ward, Ballapur, the police led a trap and caught two children and searched them. In that search, police found Mephedrone weighing 4.450 grams in their possession. During investigation, it was revealed that the applicant had supplied the seized Mephedrone to those children for supplying it to the customers. Hence, the FIR was registered on 28.07.2026.

4. Learned Counsel for the applicant submits that on 28.07.2026, the first information report was registered alleging that two accused persons were caught while selling MD Drug and 4.450 grams MD Drug was found in their possession. During investigation, they disclosed the name of the applicant. He submits that, apart from that, there is no material available on record against the applicant. He submits that now the charge-sheet has been filed and in the charge-sheet, there is no link found with the present applicant apart from the statements of co-accused persons. Under such circumstances, the applicant deserves to be granted anticipatory bail.

5. On the other hand, learned APP vehemently opposes the application and submits that since the registration of the offence, the applicant has been absconding. She submits that the co-accused has disclosed the name of the applicant. So far as the investigation against the applicant is concerned, it is yet to be completed since the applicant has been absconding from the date of registration of FIR and therefore, complete investigation was not carried out. Under such circumstances, she prays for rejection of the application.

6. Upon consideration of the submissions of both the sides and perusal of the case diary, it appears that co-accused, who has been apprehended while selling MD Drug, disclosed the name of the applicant. Apart from that, though the FIR was registered on 28.07.2026, till today, not a single incriminating circumstance was found against the applicant. It appears that the Investigating Officer miserably failed to collect the relevant materials in order to show the connection between the co-accused and the applicant, like CDR between the applicant and co-accused, bank transactions, etc. In fact, it appears that the investigation has been carried out in a casual manner. If further appears that the Investigating Officer has not conducted the investigation with requisite seriousness and diligence, considering the gravity of the offence. It is necessary to mention that

MD Drug is destroying the future of younger generation. Therefore, it was expected that the Investigating Officer should have conducted the investigation in thorough manner. By not doing so, this Court is constrained to give benefit of doubt to the applicant in such a serious offence. Since there is no link between the co-accused and the applicant was shown till today, I am inclined to grant anticipatory bail to the applicant. Hence, the following order.

ORDER

i) The Criminal Application is allowed and disposed of.

ii) In the event of arrest, applicant viz. Sohel Ahemad Mujibur Rahman Sheikh, in connection with Crime No.800 of 2026, registered with Police Station Ballarshash, Dist. Chandrapur, for the offences punishable under Sections 21(b), 29, 8(c) of the Narcotics Drugs and Psychotropic Substances Act, 1985 and Section 78 of the Juvenile Justice Care (Care and Protection of Children) Act, 2015, be released on anticipatory bail on furnishing a P.R. bond of Rs.25,000/- (Rupees Twenty Five Thousand only) with one solvent surety in the like amount.

iii) The applicant shall attend the concerned police station on every Saturday between 11.00 a.m. to 02.00 p.m. and as and when called by the Investigating Officer and co-operate in the investigation.

iv) The applicant shall not tamper with the prosecution evidence in any manner.

v) Pending applications, if any, stand disposed of.

7. The observations of this Court are *prima facie* in nature and are only limited to this application. The trial Court shall not be influenced by the aforesaid observations.

8. Copy of this order be sent to the office of Superintendent of Police, Chandrapur.

(M.M. NERLIKAR, J.)

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