

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CRIMINAL APPELLATE JURISDICTION

CR. ANTICIPATORY BAIL APPLN. NO. 33 OF 2025

Akram Ajij Bagwan ... Applicant

Versus

The State Of Maharashtra ... Respondent

WITH

CR. ANTICIPATORY BAIL APPLN. NO. 222 OF 2026

Jamir Yunnus Pinjari ... Applicant

Versus

The State Of Maharashtra And Anr. ... Respondent

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- *Mr. Atharva R. Bhingardevi i/b. Mr. Sumit Patil for the Applicant in ABA/33/2025.*
 - *Mr. Nitin B. Patil, A.PP for the Respondent-State in ABA/33/2025.*
 - *Mr. Onkar Tole a/w. Mr. Akash Ghare & Mr. Jivan Jadhav for the Applicant in ABA/222/2026.*
 - *Mr. S.V. Gavand, A.PP for the Respondent-State in ABA/222/2026.*
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Coram : MEHROZ K. PATHAN, J.

Date : 29th June 2026.

PER COURT :

1. The Applicants have approached this Court seeking anticipatory bail in connection with F.I.R. No. 0118 of 2024, dated 19/02/2024, registered with

Solapur Taluka Police Station, District Solapur Rural, for the offences punishable under Sections 8(c), 20(b)(ii), 29 of The Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act).

2. The case of the prosecution is that :

Upon receiving secret information, the Police Authorities conducted a raid, which led to the arrest of accused Altaf Yunus Inamdar and Jamir Ibrahim Shaikh on the spot, along with 459 k.g. of contraband ganja. The arrested accused informed that the seized contraband was to be delivered to accused Lala Bagwan, who is absconding in the present crime. During the interrogation of the arrested accused Altaf Inamdar, the role of one of the prime accused, Sikandar Inamdar, was revealed, and the Applicants were also named in the statements recorded. It was further revealed that the contraband seized from the persons of Altaf Inamdar and Jamir Shaikh was to be supplied to Applicants - Jamir Pinjari and Akram Bagwan. The First Information Report was registered against the accused persons and Lala Bagwan; however, the name of the present Applicants were revealed during the custody of the arrested accused persons.

3. Learned counsel for the Applicant submits that the Applicant was arraigned as an accused in the present F.I.R. only upon the statement of the co-accused, which is specifically prohibited in view of the judgment of the Hon'ble Supreme Court in the case of *Toofan Singh Vs. State of Tamil Nadu*,

reported in (2021) 4 SCC 1. Apart from the statement of the co-accused arrested in the present crime, there is no allegation against the present Applicant. There is no additional material available to connect the present Applicants in the present crime. The applicants do not have any criminal antecedents, much less any prior case under the NDPS Act. The Applicants are ready to abide by any conditions that may be imposed by this Court. Hence, the Applicants may be protected.

4. As against this, learned A.P.P. on the other hand strongly opposed the anticipatory bail application on the ground that the Applicants name has revealed during the custodial interrogation of the arrested accused Jamir Shaikh and Altaf Inamdar. The statement of Altaf Inamdar and Jamir Shaikh would show that the contraband ganja was to be supplied to various persons for sale. One of the name which is stated by Jamir Shaikh and Altaf Inamdar is the name of present Applicants - Jamir Pinjari and Akram @ Aku Bagwan. The custodial interrogation of the Applicants is, thus, necessary to complete the investigation from all angles. The contraband seized is huge quantity i.e. 459 kg, which is more than the commercial quantity. The rigors of Section 37 of the NDPS Act would thus apply. The application is therefore devoid of substance and merits, and is thus liable to be rejected.

5. I have gone through the investigation papers made available by the learned A.P.P., which is culminated into filing of chargesheet against the

arrested accused persons. The statements which are recorded during the course of investigation, are not part of the chargesheet, however learned A.P.P. has handed over the said statements to show the connecting link of the present Applicants with the aforesaid crime. The perusal of the statement of the arrested accused Altaf Inamdar, recorded on 01/03/2024, and the statement of the arrested accused Jamir Shaikh, recorded on 27/11/2025, reveals that, apart from the mere statement that the seized contraband was to be supplied to the present Applicants Jamir Pinjari and Akram Bagwan along with several accused persons, there is no other connecting evidence to link the present Applicants with the said crime. There are no phone call records or CDRs, except for one call between the present applicant, Akram Bagwan, and the arrested accused, Jamir Shaikh. The other co-accused Sikandar Inamdar and Jamir Shaikh were caught in the CCTV footage, while visited at Orissa to purchase contraband ganja. Thus, Sikandar's bail application is withdrawn as this Court was not inclined to grant bail. However, there is no record of the Applicants having visited at Orissa or obtaining the contraband ganja.

6. The Applicants were not found in conscious possession of the contraband ganja and have been arraigned as an accused only on the basis of the statement of the co-accused. Thus, a finding can be recorded that the Applicants are prima facie not involved in the present offence. Since the Applicants do not have any criminal antecedents, a finding can also be

recorded that, if released on bail, the Applicants are not likely to indulge in a similar offence. Thus, the twin conditions under Section 37 of the NDPS Act stands satisfied.

7. The Hon'ble Supreme Court in the case of *Toofan Singh Vs. State of Tamil Nadu* (supra) was pleased to allow the anticipatory bail application as the prosecution relied only upon the statement of co-accused as an evidence to link the accused applicant in a case under the NDPS Act.

8. Taking into consideration the only material relied upon by the prosecution is a statement of a co-accused Jamir Shaikh and Altaf Inamdar, I am inclined to protect the present Applicants since the Applicants are not having any criminal antecedents. The apprehension of the learned A.P.P. that the Applicants may again indulge into the identical offence under the NDPS Act can be taken care of by imposing stringent conditions. Hence, the following order :-

ORDER

- i.** Both the Applications are allowed.
- ii.** In the event of arrest of the Applicants - Akram Ajij Bagwan and Jamir Yunnus Pinjari, they be released on bail in connection with F.I.R. No. 0118 of 2024, dated 19/02/2024, registered with Solapur Taluka Police Station, District Solapur Rural, for the offences punishable under Sections 8(c), 20(b)(ii), 29 of The Narcotic Drugs and Psychotropic Substances Act, 1985, on furnishing P.R. Bond of Rs. 50,000/- (Rupees Fifty Thousand

only) each, with one or two solvent sureties in the like amount,, on the following conditions :-

- (A) The Applicants shall attend the concerned Police Station and report to the Investigating Officer on every Friday and Saturday, between 12:00 noon and 02:00 p.m. till filing of the chargesheet and thereafter once in two months starting from 1st August 2026 till the framing of the Charge by the learned trial Court against the Applicants.
- (B) The Applicants shall also cooperate with the investigation.
- (C) The Applicants shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
- (D) The Applicants shall submit their Aadhar Card and Pan Card to the Investigating Officer along with mobile numbers and addresses of two of their near relatives.

9. Needless to say, a single violation of any of the conditions imposed by this Court shall entitle the prosecution and the complainant to seek cancellation of bail of the present Applicants.

10. Both the Applications stand disposed off accordingly.

OMKAR
SHIVAHAR
KUMBHAKARN

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by OMKAR
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[MEHROZ K. PATHAN, J.]