

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

962 ANTICIPATORY BAIL APPLICATION NO. 582 OF 2021

Balasaheb Dagadu Thorat,
Age: 60 years, Occu:Agriculture,
R/o. Pimpalgaon-fungi,
Tq.Rahuri, Dist. Ahmednagar.
At Present Residing at
MIDC Ahmednagar.

.. APPLICANT

VERSUS

The State of Maharashtra,
Through Police Station Officer,
Police Station, Rahuri,
Ahmednagar.

.. RESPONDENT

...

Mr.S.G.Ladda, Advocate for the applicant.
Mr.V.M.Kagne, APP for the respondent-State.

...

**CORAM: MANGESH S. PATIL, J.
DATE : 24.06.2021.**

P.C.

The applicant is seeking bail in the event of his arrest in connection with Crime No.281 of 2021 registered with Rahuri Police Station, District Ahmednagar, for the offence punishable under Section 20 (b) of the Narcotics and Psychotropic Substances Act, 1985.

2] In substance, the allegations are to the effect that a raid was effected in the land Gat No. 224/1 and it was

found that 6 cannabis plants were cultivated. Cannabis plants were seized. Necessary procedure was followed under the NDPS Act and the Rules and the FIR was lodged by a Police Officer.

3] I have heard the learned Advocate for the applicant as also learned APP for the respondent-State. Perused the papers of the investigation. As can be seen from the FIR as well as panchnama under which 6 cannabis plants were seized. The land is Gat No.224/1. The applicant has produced copies of 7/12 extract showing that the land Gat No. 224/1 does not stand in his name, *albeit* he is owner of adjoining land Gat No.224/3. If this be so, there is every room to doubt as to if the applicant can be attributed with the charge for cultivating the cannabis plants in land Gat No. 224/1.

4] Besides, the applicant has also produced on record a copy of the agreement dated 8th August 2020 *prima facie* showing that he has leased out the land Gat No. 224/3.

5] Taking into account all the aforesaid facts and circumstances coupled with the fact that only 6 cannabis plants totally weighing 15 kg have been seized, the applicant deserves to be released on bail, more so when there are no criminal antecedents.

6] The application is allowed. In the event of arrest of the applicant in connection with Crime No. 281 of 2021 registered with Rahuri Police Station, District Ahmednagar, for the offence punishable under Section 20 (b) of the Narcotics and Psychotropic Substances Act, 1985, he shall be released on bail on his executing personal recognizance for an amount of Rs.20,000/- [Rs. Twenty Thousand] and furnishing a solvent surety in the like amount, subject to following conditions :

- (a) He shall attend the concerned Police Station as and when called by the Investigating Officer and shall co-operate him.
- (b) He shall not tamper the evidence or influence the witnesses.

[MANGESH S. PATIL, J.]