

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.906 OF 2022

Tai Santosh Makhar

...Applicant

Vs.

The State of Maharashtra

... Respondent

Mr.Sachin H. Deokar a/w Mr.Omkar Hase for the Applicant.

Mr.N.B. Patil, APP for the Respondent-State.

CORAM : C.V. BHADANG, J.

DATE : 6 APRIL 2022

P.C.

. The Applicant, apprehending arrest, in connection with the investigation of Crime No.216 of 2022 registered with Shikarapur Police Station, under Section 8(c) and 20(b) of Narcotic Drugs and Psychotropic Substances Act, 1985, is seeking anticipatory bail.

2. The allegation is that on prior information a raid was conducted in field Gut No.90 at Village Arangaon, Taluka-Shirur, District-Pune of the Applicant wherein the Applicant was found cultivating cannabis (Ganja). During the raid 69 plants of cannabis were recovered weighing about 9.016 kgs.

3. I have heard learned counsel for the parties.

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4. It is submitted by the learned counsel for the Applicant that the Revenue record of land Gut No.90 shows that there are other co-owners. It is submitted that the Applicant is not exclusive owner nor is exclusively in possession and cultivation of the said land.

5. It is submitted that thus the responsibility for cultivation of any cannabis plant cannot be foisted only on the Applicant. It is submitted that the Applicant has filed a complaint against the co-owners in respect of interference with cultivation of the said land, on the basis of which, a non-cognizable case is registered, a day before the registration of the present offence which according to the learned counsel for the Applicant shows that the present Complaint is filed with ulterior motive, as there is an attempt to grab the land after the death of the husband of the Applicant.

6. The learned APP states that on the basis of the statement recorded during the course investigation, the Applicant was found actually cultivating the said land. The learned APP also referred to the NC case which is based on the complaint lodged by the Applicant, in order to point out that the Applicant claims that she was watering the crop of sugarcane standing in the field. The learned APP pointed out that there was plantation of the sugarcane crop with cannabis plants.

7. I have carefully considered the rival circumstances and the submissions made. It can *prima facie* be seen that the Applicant is shown to be one of the co-owners of the land Gut No.90. The dispute about cultivation cannot be dealt with in the present Application. However, to the extent it is relevant reference can be made to the NC complaint lodged by the Applicant herself, a day before, the alleged recovery of the cannabis plant, in which the Applicant had stated that the co-owners had tried to interfere with the possession/cultivation of the Applicant when the Applicant was watering the sugarcane crop.

8. Thus, in my considered view the matter requires investigation. It is necessary to note that presently I am not considering the Application for regular bail. The paramount consideration in such case is the proper investigation of the matter for which custodial interrogation of the Applicant is warranted. The Criminal Application stands rejected.

9. At this stage the learned counsel for the Applicant on instructions seeks time for the Applicant to surrender before the Investigating Officer. Two weeks time is granted to the Applicant to surrender before the Investigating Officer.

10. It is made clear that observations herein are only for the purpose of deciding the Application for pre arrest bail. The learned Sessions Judge shall not be influenced by the same at any subsequent stage, of consideration of an application for regular bail, if any.

C.V. BHADANG, J.