

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.393 OF 2023

SUBHASH MAHADU MAHAJAN
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Mohd Aseem Mohd Abdul Kaleem
APP for Respondent : Mr. S. P. Sonpawale
...

CORAM : S. G. MEHARE, J.

DATE : 23-03-2023

PER COURT :-

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondent/State.
2. The applicant is an agriculturist. The police took the raid in the field and uprooted cannabis plant with leaves, stems, etc. The alleged cannabis plants were weighing 63.190 Kgs.
3. The learned counsel for the applicant would submit that the police did not separate the flowers from the plant. Therefore, it cannot be said that it was commercial quantity. Hence, he may be granted bail.
4. The learned A.P.P. for the respondent/State would argue that offence is serious. Investigation is going on. Hence, he may not be granted bail.

5. This Court has taken consistent view that weighing the cannabis plants without separating flowers raises doubt about the quantity of Ganja. Considering the weight of alleged cannabis plant with flowers, it cannot be said that Ganja was commercial quantity. *Prima facie*, Investigating Officer did not follow the law, recovering Ganja. That apart, the material investigation appears to have been completed. Nothing is to be recovered from the applicant. There are no antecedents to his discredit. His further detention would serve no purpose. He may be granted bail. Hence, the following order :-

- i) Application is allowed.
- ii) Applicant Subhash Mahadu Mahajan be released on bail, on furnishing PB and SB of Rs.50,000/-, with one solvent surety of the like amount, in C.R.No.199 of 2022, registered with Soygaon Police Station, for the offences punishable under Section 20(B)(i) of the Narcotic Drugs and Psychotropic Substances Act, 1985, on the conditions that;
 - (a) He shall not tamper with the prosecution witnesses.
 - (b) He shall not involve in the similar offence.

(S. G. MEHARE)
JUDGE