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DATED : 6 APRIL 2023

P.C. :-

This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail.

2. The applicant came to be arrested in Crime No. 273 of 2021 registered at Panchvati Police Station, Nashik for the offences punishable under Sections 8(c) r/w. 20(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act).

3. It is case of prosecution that on 26 August 2021, on the basis of secret information, a raid was conducted at the house of the present applicant and 21 kg. of Ganja was found in his possession.

4. I have heard the learned Counsel for the applicant and the learned APP for the State.

5. The learned Counsel for the applicant has invited my attention to the C.A. Report. It is submitted that perusal of C.A. report, would reveal that the sample was interalia consisting of stalk, seeds and leaves. It is submitted that as per Section 2(iii)(b) of the NDPS Act, the Ganja means flowering or fruiting tops of the cannabis plant and therefore stalks ought not to have been included while weighing the seized Ganja.

6. The learned Counsel for the applicant submits that this Court in a similar circumstances by an order dated 29 August 2022 in Anticipatory Bail Application No.2173 of 2022, has released the applicant therein on anticipatory bail.

7. On the other hand, the learned APP for the respondent/State submits that 21 kg. Ganja was found in possession of the applicant, which is commercial quantity. It is submitted that considering the nature of offence, the applicant may not be released on bail.

8. The applicant is in jail for more than 1½ years and there are no other criminal antecedents. This Court in similar circumstances by order dated 29 August 2022 in Anticipatory Bail Application No. 2173 of 2022 has released the applicant therein on anticipatory bail.

9. Considering the overall facts and circumstances of the case, I am inclined to release the applicant on bail. Hence, the following order is passed :

- (i) Application is allowed.
- (ii) The applicant - Jagdishsingh Jageersingh Sandhu be released on bail in Crime No. 273 of 2021 registered at Panchvati Police Station, Nashik for the offences punishable under Sections 8(c) r/w. 20(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985, on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- (iii) The applicant shall attend the concerned police station once in a month i.e., on first Saturday between 11.00 a.m. to 2.00 p.m. till conclusion of trial.

(N.R. BORKAR,J.)

KANCHAN
PRASHANT
DHURI

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by KANCHAN
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