

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2344 OF 2022**

Sunil Anil Jadhav

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. Vishal Kolekar for the Applicant.

Mr. S.S. Hulke, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 25 JANUARY 2023

P.C. :-

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

2. The applicant came to be arrested in Crime No. 292 of 2021 registered at Bhigwan Police Station, Pune for the offences punishable under Sections 8(c), 20(b), ii(c) of Narcotic Drugs and Psychotropic Substances Act.

3. I have heard the learned counsel for the applicant and the learned APP for the respondent-State.

4. According to the prosecution, on the basis of secret information, the applicant was apprehended on 18 November 2021 and was found in possession of 34 kg of Ganja.

5. Section (iii)(b) of the NDPS Act defines Ganja as the flowering or fruiting tops of the cannabis plant, excluding seeds and leaves when not accompanied by tops. I have perused the seizure panchnama. It is not clear from seizure panchnama that seized material was not consisting of leaves, seeds and stalk. The applicant is in jail for more than one year. There are no other criminal antecedents. 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 shall be released on bail in Crime No. 292 of 2021 registered at Bhigwan Police Station, Pune for the offences punishable under Sections 8(c), 20(b), ii(c) of Narcotic Drugs and Psychotropic Substances Act on furnishing PR 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 the trial.

(N.R. BORKAR, J.)