



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

BAIL APPLICATION NO. 1131 OF 2024

1. KONDIRAM BABURAO NAWALE
2. VAIBHAV ANIL GHORPADE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr. S. B. Dushing
APP for Respondent : Mr. S. D. Ghayal

...
CORAM : S. G. MEHARE, J.
DATE : 25-07-2024

PER COURT :-

1. Heard learned counsel for the applicants and the learned A.P.P. for respondent.
2. The applicants seek bail in C.R.No.111 of 2024 registered with Police Station Kotwali, District Ahmednagar, for the offences punishable under Sections 8(c), 20 and 22 of the Narcotic Drugs and Psychotropic Substances Act (for short, "N.D.P.S.").
4. The applicants were selling *Ganja*. Hence, they have been arrested. Police found *Ganja* weighing 6.340 Kgs. laying in tin shed.
5. Learned counsel for the applicant seeks bail on the ground that there were no antecedents to the discredit of the applicants. The quantity of *Ganja* seized is less than commercial quantity. Hence, Section 37 of the N.D.P.S. would not come in their way. In case of ***Jagan Parasram Chavan vs. State of Maharashtra, 2014 ALL MR (Cri) 4589***, on the identical facts, bail was granted to the applicants.

6. Learned A.P.P. opposed the application, contending that the offence is against the society. The youngsters may get addicted. Hence, they may not be granted bail.

7. Perused the papers. The quantity recovered from tin shed is not commercial quantity. Therefore, Section 37 of the N.D.P.S. Act would not be applicable.

8. There is nothing on record to show that there were antecedents to the discredit of the applicants. Applicant No.2 Vaibhav is 19 years old boy. In view of the facts of the case and the allegations levelled against the applicants, if bail is granted, no harm would be caused to the prosecution. However, certain conditions may be imposed. Hence, the order:-

ORDER

- i) The application is allowed.
- ii) Applicants No.1 - Kondiram Baburao Nawale and No.2 - Vaibhav Anil Ghorpade, be released on bail, on furnishing PB and SB of Rs.50,000/- each, with one solvent surety of the like amount, in the above crime for the aforesaid offences, on the conditions that,
 - (a) They shall not tamper with the prosecution witnesses.
 - (b) They shall not involve in identical crime.
 - (c) The applicants shall furnish their permanent residential proofs with cell phone numbers to the Court with an undertaking that they would not change it till the conclusion of the trial.

(S. G. MEHARE, J.)