



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 2076 OF 2024

PRAKASH CHHAGAN SALAMPURE
VERSUS
THE STATE OF MAHARASHTRA

....
Advocate for applicant : Ms. Sunita G. Sonawane
APP for respondent/State : Mrs. M.L. Sangit

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CORAM : ARUN R. PEDNEKER, J.
DATE : 20.12.2024

ORDER :-

1. Heard Ms. Sunita G. Sonawane, learned counsel for the applicant and Mrs. M.L. Sangit, learned APP for the respondent-State.
2. The applicant is apprehending arrest in connection with Crime No. 550/2024 dated 26.11.2024 registered with Satara Police Station, Tq. And Dist. Chh. Sambhajinagar for the offences punishable under sections 22(a), 8(c), 20, 8(b) of Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as 'N.D.P.S. Act' for short).
3. FIR is lodged by complainant Mr. Sandipan Dharme, Police Officer, before Satara Police Station alleging therein that on 25.11.2024 at about 1.00 p.m. he received secret information that one Prashil Himanshu Brahma is smuggling cannabis plant to the local students. After compliance of the requirements of N.D.P.S. Act, on search being conducted, they found four small packets and some loose narcotic drug of 211 grams in possession of said Prashil Brahma. Accordingly, they detained him. On inquiry, information was being given by said Prashil Brahma that one local person namely

Prakash Salampure, present applicant, is planting cannabis plants in open space where he is working and the said place is at Golewadi Water Pumping Station, Chh. Sambhajanagar. Accordingly, the team on arriving at Golewadi Pumping Station, found two Ganja plants and the same were seized.

4. After the seizure of the above material, bail application is filed by the present applicant contending therein that he is innocent person and falsely implicated in this crime. There is hardly any evidence connecting the applicant to the crime. It is further stated that muddemal has been already seized and only two plants were seized from the compound of Khilari Infrastructure Private Limited by the Investigating Officer. There is nothing recovered at the instance of the applicant. It is further stated that pumping station collects the sewerage from many places of the city and various trees are grown up there and the applicant had no knowledge about any cannabis plant be grown at the site. It is further stated that the compound of Khilari Infrastructure Private Ltd. Is a big premises with 5 to 10 workers working therein and it cannot be said that the applicant has knowledge of the Ganja cannabis plants trees. He also states that he also does not know to the main accused.

5. The learned counsel for the applicant has relied upon the **Order dated 19.11.2024 passed by the Hon'ble Supreme Court in the Criminal Appeal No(s). 4905/2024 and Criminal Appeal No(s). 4909/2024 (Sahil Firoz Shaikh Vs. The State of Maharashtra)** and submits that in identical fact situation, the Hon'ble Supreme Court has granted bail.

6. Per contra, the learned APP submits that when the main accused was caught and he has disclosed the name of the applicant from whom he procured the Indian Ganja/contraband and that the present applicant is growing the same at the particular premises namely Khilari Infrastructure Pvt. Ltd. The team on visiting spot immediately found the cannabis plant of 6.027 k.g. The learned APP submits that under section 20(a)(i) mere plantation is sufficient for the purpose of registering the offence under sections 20 (a)(i) and that offences is punishable up to 10 years imprisonment. The learned APP relies upon the judgment of this Court dated 15.4.2024 in the case of **Mehrun Aslam Samlewale Vs. The State of Maharashtra decided by this Court in ABA No. 999/2024**, wherein this Court in very identical fact situation when the name of the applicant therein was disclosed at the time of raid had refused the anticipatory bail to the applicant therein.

7. Considering the rival submissions, it is to be noted that when the raid at school premises carried out one Prashil Brahma was found in possession of 211 grams of Ganja and he had immediately disclosed that he had procured the same from the applicant herein who is working in Khilare Infrastructure Pvt. Ltd. and in the compound of the said premises the applicant was growing the Ganja plants. Immediately, the team visited the said place, where they found two plants of Ganja of 6.027 k.gs. Thus, the statement made by Prashil Brahma that he has received Ganja from the applicant and applicant being cultivating the same stood verified atleast to the extent that there was cultivation of Ganja in the premises where the applicant was working. He has mentioned the name of the applicant. There

is no reason for the Prashil Brahma to know the name of the present applicant. Prima facie, there is material to indicate that the applicant is in someway connected with the crime. As the matter involves narcotic drugs and serious in nature, I hold that the applicant is not entitled for the relief of anticipatory bail in this matter.

8. Considering the facts and situation above, the application is dismissed.

9. It is clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application.

[ARUN R. PEDNEKER, J.]

ssc/