

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2711 OF 2024

Bajirao Lobha Rathod, Age 61 years,
Occ.Agriculture, R/o.Lamantanda,
Kamtikh, Tal.Mohol, Dist.Solapur,
(Presently at Kolhapur Jail)

Applicant

versus

The State of Maharashtra

Respondent

Mr.Ritesh Thobde with Mr.Changdev Shingade, Ms.Ankita Rai i/by
Ms.Ansari Zubi Arif for Applicant.
Mr.Pankaj P.Deokar, APP, for State.

CORAM : ANIL S.KILOR, J.

DATE : 4th September 2024

PC :

1. Heard.
2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.255 of 2022 registered with Kamti Police Station, District Solapur for the offences u/s.8(b)(c), 20(b)(ii)(C) of Narcotic Drugs and Psychotropic Substances Act.
3. In the present matter the dispute is about total quantity of the contraband. According to the prosecution the quantity was 90.79 kgs, however, the inventory shows that it is in respect of plants including leaves, branches and seeds. In the inventory prepared before the Magistrate there is no mention of fruiting tops.
4. The definition of Ganja is given in Section 2(b) to mean "*ganja, that is, the flowering or fruiting tops of the cannabis plant (excluding*

the seeds and leaves when not accompanied by the tops), by whatever name they may be known or designated”, under the NDPS Act.

5. In view of the above referred fact, since there is nothing to show that actual weight of the contraband was commercial quantity, and further considering the fact that there are no antecedents of similar nature against Applicant, I am of the opinion that Applicant is entitled for grant of bail. Hence, I pass following order :

ORDER

- (i) Bail Application is allowed and disposed off;
- (ii) It is directed that the applicant shall be released on bail in Crime No.255 of 2022 registered with Kamti Police Station, District Solapur for the offences u/s.8(b)(c), 20(b)(ii)(C) of Narcotic Drugs and Psychotropic Substances Act, on furnishing P.R.Bond of Rupees Twenty Five Thousand with one solvent surety in the like amount;
- (iii) The Applicant shall attend Kamti Police Station, District Solapur, on every 1st of every month between 10.00 a.m and 11.00 am till conclusion of trial, except on the date of trial;
- (iv) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;
- (v) Liberty is granted to the State for cancellation of bail if the applicant commits similar offence;
- (vi) The applicant shall attend the trial before the Trial Court regularly on every date unless exempted by the trial Court for any reason.

(ANIL S.KILOR, J.)