



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO.276 OF 2024

Ranjit Deshraj Longbarse

Vs.

State of Maharashtra, Through Police Station Officer, Wardha (City)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. M. V. Rai, Counsel for applicant.

Mr. N. B. Jawade, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 16/08/2024

1. The applicant came to be arrested on 29.07.2023 in connection with Crime No.871/2023 registered with Police Station, Wardha (City), District Wardha for the offences punishable under Sections 20(b)(ii), 29 and 8(c) of the Narcotic Drugs and Psychotropic Substances Act (hereinafter referred as to "the NDPS Act").

2. The accusation against the present applicant is on the basis of report lodged by Police Station Sub-Inspector on an allegation that he has received a secret information that the present applicant along with the other co-accused is possessing the contraband ganja at his house and he is illegally selling the same and on receiving the said information, he forwarded the information to his superior Officer and by complying the mandatory provisions, the raid was conducted. During the raid,

five plastic parcels in which 2040 grams, 2045 grams, 2050 grams, 2065 grams and 2054 grams were found in it parcels including leaves, flowers, stems, buds and seeds. The total quantity was found to be 10 Kg. The relevant samples are obtained by the investigating agency and the applicant was arrested and after completion of the investigation, the charge-sheet is filed.

3. Learned Counsel Mr. Mahesh Rai for the applicant submitted that there is no compliance of the mandatory provisions by the investigating agency. The samples were not obtained in presence of the Magistrate. He further submitted that moreover the quantity found is not a commercial quantity and therefore, rigour under Section 37 would not apply. In view of that, the applicant be released on bail.

4. Learned APP strongly opposed the said application mainly on the ground that there are criminal antecedents against the present applicants which are of a similar nature and if the applicant is released on bail, he would be involved in the similar types of the offences. In view of that the application deserves to be rejected.

5. Having heard the learned Counsel for the applicant and learned APP for the State, perused the investigation papers. As far as the compliance of the

mandatory provisions is concerned, it reveals from the investigation papers that the investigating agency has followed the procedure of obtaining the samples in presence of the panchas. As far as the non-compliance of Section 52 is concerned, which cannot be considered at this stage. However, considering that commercial quantity is not found with the present applicant and therefore, bar of 37 of the NDPS Act is not attracted. The investigation is already completed. Merely because there are criminal antecedents is not sufficient to reject the application of the present applicant. In view of that, application deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass following order:

ORDER

- (i) The application is allowed.
- (ii) The applicant **Ranjit Deshraj Longbarse** shall be released on bail in connection with Crime No.871/2023 registered with Police Station Wardha (City), District Wardha for the offences punishable under Sections 20(b)(ii), 29 and 8(C) of the Narcotic Drugs and Psychotropic Substances Act, on furnishing P.R. Bond of Rs.50,000/- with one or two solvent sureties in the like amount.
- (iii) The applicant shall not indulge himself in similar types of activities.
- (iv) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

(v) If the applicant is found to indulge in similar types of the activities, the bail granted to the present applicant deserves to be cancelled.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)