



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 201 OF 2025

- 1] Chikka @ Devilal s/o Jumma Pawara
Age : 32 years, Occu. Labour,
R/o. Mahadev Dondwada,
Tq. Shirpur & Dist. Dhule.
- 2] Navsingh s/o Jumma Pawara,
Age: 30 years, Occu: Labour,
R/o. Mahadev Dondwada,
Tq. Shirpur & Dist. Dhule. ... Applicants

Versus

The State of Maharashtra
Through Shirpur Taluka Police Station,
District Dhule. ... Respondent

.....
Mr. Chaitanya C. Deshpande, Advocate for the Applicants.
Mr. V. M. Jaware, APP for Respondent-State.
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CORAM : ABHAY S. WAGHWASE, J.

DATE : 24.02.2025

ORDER :

1. Applicants seek grant of bail on account of their arrest in Crime No. 266 of 2024 registered at Shirpur Taluka Police Station, District Dhule for offence punishable under Sections 8(c), 22(c) r/w 20(b)(ii) (c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Learned counsel submitted that applicants are arrested on 09.10.2024 in the crime registered on 08.10.2024. He submitted that there are allegations that applicants were cultivating ganja, but there is no evidence about cultivation or possession. Learned counsel further pointed out that one lady co-accused in the present crime has been granted bail by the very trial court itself. He pointed out that there are allegations of committing offence under Section 8(c), but there is no proof of cultivation. Learned counsel submits that applicants will abide all and any conditions imposed by this Court and, as nothing further is shown to be recovered or discovered, he urges for relief of bail.

3. Learned APP, who opposes, pointed out that applicants were found to be cultivating the contraband and on receipt of secrete information, raid was conducted and applicants were found at the spot where ganja was being grown. That, therefore, police personnel himself lodged report. On court query, learned APP could not point out any document showing applicants to be in possession of the land which is alleged to be a forest land. On the earlier occasion, matter was adjourned and kept today as learned APP wanted to take instructions. However, today also learned APP pointed out that there is no documentary evidence to show that land was owned by forest

department and was further given for cultivation to the applicants. Precisely taking the same into consideration, and when co-accused is granted bail, even applicants deserve similar relief. Hence, I proceed to pass the following order:

ORDER

- I. The application is allowed.
- II. Applicants be released on bail in connection with Crime No. 266 of 2024 registered at Shirpur Taluka Police Station, District Dhule, on executing Personal Bond of Rs. 30,000/- each with one surety each, in the like amount, on the following conditions :
 - [a] The applicants shall not tamper prosecution evidence.
 - [b] The applicants shall co-operate the investigating machinery.
 - [c] The applicants shall not indulge in such type of offence.
 - [d] The applicants shall attend the court regularly.

[ABHAY S. WAGHWASE, J.]