



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 432 OF 2025

Akash S/o. Bhagwan Rathod,
Age : 23 years, Occu. : Labourer,
R/o. Murti (Charu Tanda) Murti,
Sawalatbara, Tq. Soyagaon,
Dist. Aurangabad.

... Applicant

Versus

The State of Maharashtra,
Through Investigating Officer,
Fardapur Police Station,
Tq. Soyagaon, Dist. Aurangabad.

... Respondent.

.....
Mr. Bharat S. Doifode, Advocate for Applicant.
Mr. N. D. Batule, APP for Respondent - State.

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CORAM : ABHAY S. WAGHWASE, J.

DATED : 28th APRIL 2025

ORDER :

1. Present application is for grant of regular bail on account of arrest of applicant in Crime No.138 of 2024 registered at Fardapur Police Station, Dist. Aurangabad (Gramin) for offence punishable under sections 20, 20(b)(ii), 20(b)(ii)(A) of the Narcotic Drugs and Psychotropic Substances, Act, 1985.

2. Learned counsel for applicant pointed out that, applicant is arrested on 11.09.2024 on the allegation of cultivating ganja. However, according to learned counsel, land in question does not

belong to the applicant. That, he was not in possession of said land. Therefore, there is doubt about applicant to have cultivated the said ganja bearing quantity of 4.583 kg. That, now investigation is over and entire inventory is drawn. That, there are no criminal antecedents. That, charge sheet is filed in December 2024 and as no further recovery or discovery is to be made and as applicant is ready to abide any conditions deemed fit by this court, learned counsel urges for grant of bail.

3. Learned APP opposed on the ground that, applicant was found to be cultivating contraband ganja. On secret information, raid was carried out. That, after due procedure contemplated under law, ganja in quantity of 4.583 Kg was found to be cultivated. Therefore, serious offence being committed, he urges for rejection of application.

4. Heard. Perused the FIR dated 11.09.2024 at the instance of police constable. He has reported that, on 10.09.2024, on secret information about cultivation of ganja being done in the vicinity of Charutanda village, after informing and on directions of Superior Officer, raid was planned and team was constituted, which visited the said spot. After visiting the said spot, there was ganja being cultivated and 24 tress grown upto the height of 4 to 5 feet were found. There was no explanation about it from him. Therefore, crime was registered.

5. Learned APP fairly submitted that, there is no documentary evidence suggesting applicant to be owner of the lawful possession of the said land. Inventory is already drawn and sample is also dispatched. Learned APP on court query, submitted that, there are no report of any criminal antecedents. Therefore, when investigation is over and charge sheet is already filed and no further recovery or discovery is shown to be made coupled with the fact that there are no immediate prospects of matter going for trial, relief as prayed deserves to be granted.

ORDER

I. The application is allowed.

II. Applicant Akash S/o. Bhagwan Rathod be released on bail in connection with Crime No.138 of 2024 registered with Fardapur Police Station, Dist. Aurangabad (Gramin), on executing Personal Bond of Rs. 15,000/- with one surety in the like amount, on the following conditions:

[a] The applicant shall not tamper prosecution evidence.

[b] The applicant shall not leave the area of jurisdiction of the concerned police station till conclusion of trial.

[c] The applicant shall attend the concerned police station twice in every week i.e. on every Monday and Thursday and maintain

personal diary of his attendance till framing of charge and thereafter, shall regularly attend each and every effective date before the trial court.

(ABHAY S. WAGHWASE, J.)