



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

941 BAIL APPLICATION NO.1082 OF 2025

**SUDAM RAMESH TILANGE
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mrs.Karishma Sanjay Sarin
APP for Respondent-State : Mr.P.P.Dawalkar
...

**CORAM : ARUN R. PEDNEKER, J.
DATE : 22.07.2025**

P.C. :

1] Heard learned counsel for the applicant and the learned APP for the respondent-State.

2] The applicant is seeking bail as he is arrested on 04.02.2025 in connection with Crime No. 74/2025, registered with Nandurbar City Police Station, District Nandurbar, for the offence punishable under Sections 20, 22 and 8 (c) of the NDPS Act, 1985.

3] The case against the applicant is that the police entered and searched the house of the applicant and seized seeds and green leaves and ganja to the tune of 16.900 kg. As such, the FIR is registered against the present applicant.

4] The learned counsel for the applicant submits that as per certificate of inventory under Section 52-A of the NDPS Act, 1985, seized article is not ganja. The learned counsel for the applicant relies upon the order dated 30.06.2025 passed by this Court in Bail Application No.797 of 2025 and submits that the definition of “Ganja” under Section 2 (iii) (b) of the NDPS Act, 1985, reads as under :

“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”.

She further submits that the contraband recovered did not have any flowering or fruiting tops of cannabis plant. Thus, it cannot be said that what is recovered is ganja. Considering the same, the applicant can be granted bail.

5] The learned APP submits that there are two antecedents against the present applicant pertains to NDPS Act. However, in one crime the applicant is granted bail and in another crime the applicant is acquitted.

6] Considering the order dated 30.06.2025 passed by this Court in Bail Application No.797/2025 wherein this Court has observed that if the contraband recovered does not contain flowering or fruiting tops of the cannabis plant,

it cannot be termed as ganja and the contraband recovered from the applicant does not contain flowering or fruiting tops of the cannabis plant, as such, the applicant is granted bail. The application is allowed in the following terms :

a] The applicant shall be released on bail in connection with Crime No. 74/2025, registered with Nandurbar City Police Station, District Nandurbar, for the offence punishable under Sections 20, 22 and 8 (c) of the NDPS Act, 1985, on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

b] The applicant, upon being released on bail, shall not contact the informant, in any manner whatsoever, during the pendency of the trial.

c] The applicant shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the trial Court.

d] The applicant shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses and other persons concerned with the case.

e] The applicant, upon being released on bail,

shall place on record of the trial Court the details of his Contact Number and residential address with updates in case of any change.

7] Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled. It is also clarified that the observations made in this order are limited to the disposal of the present bail application. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

8] The application stands disposed of.

[ARUN R. PEDNEKER]
JUDGE

DDC