



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

919 BAIL APPLICATION NO.1170 OF 2025

1] ANIL GUJARYA PAWARA
2] KAILAS KALUSINGH PAWARA
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr.C.C.Deshpande
APP for Respondent-State : Mr.P.P.Dawalkar
...

CORAM : ARUN R. PEDNEKER, J.
DATE : 17.07.2025

P.C. :

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

2] The applicants are seeking bail as they are arrested on 09.04.2025 in connection with Crime No. 90/2025, registered with Shirpur Taluka Police Station, Dist. Dhule, for the offence punishable under Sections 8 (C), 22 (C) r/w. Section 20 (B) (ii) (C) of Narcotic Drugs and Psychotropic Substances Act, 1985.

3] The learned APP has produced certificate of Inventory as per Section 52-A of the NDPS Act, 1985, dated 14.07.2025 and it is mentioned in the said certificate that

the gunny bag contain dried and moisten leaves and seeds. The dry leaves are dark greenish and seeds are green and yellowish in colour. It has a strong odor. According to the IO, it is ganja.

4] The learned counsel for the applicants 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”.

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

5] The certificate of Inventory under Section 52-A of the NDPS Act, dated 14.07.2025 does not mention that the contraband recovered contained flowering or fruiting tops of cannabis plant. Thus, 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, so also, there are no antecedents against the present applicant, the applicant is granted bail. The application is allowed in the following terms :

a] The applicants shall be released on bail in connection with Crime No. 90/2025, registered with Shirpur Taluka Police Station, Dist. Dhule, for the offence punishable under Sections 8 (C), 22 (C) r/w. Section 20 (B) (ii) (C) of Narcotic Drugs and Psychotropic Substances Act, 1985, on furnishing PR bond of Rs.20,000/-each, with one or two sureties in the like amount to the satisfaction of the trial Court.

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

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

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

f] The applicants, upon being released on bail, shall place on record of the trial Court the details of their Contact Number and residential address with updates in case of any change.

6] 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.

7] The application stands disposed of.

[ARUN R. PEDNEKER]
JUDGE

DDC