



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1206 OF 2025

Vikas s/o Amar Das
Versus
The State of Maharashtra

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Advocate for the applicant: Mr. R. P. Mote
A.P.P. for respondent State: Mr. R.S. Wani
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CORAM : SANJAY A. DESHMUKH, J.
DATE OF RESERVING THE : 09.10.2025
ORDER
DATE OF PRONOUNCING : 17.10.2025
ORDER

ORDER :-

1. This application is filed for grant of regular bail under section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with crime No. 329 of 2024 registered with Shivoor police station, district Chhatrapati Sambhajinagar (Rural) for the offences punishable under sections 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985, (N.D.P.S. Act).

2. The learned advocate for the applicant pointed out a report in which the informant, who is a Police Sub-Inspector, attached to Shivoor Police Station, Taluka Vijapur, District Chhatrapati Sambhajinagar, averred that a secret information was received

regarding the transportation of ganja in a vehicle. Accordingly, a trap was laid, and the applicant was arrested along with 39.590 Kgs. ganja containing green seeds, valued at Rs.14,05,900/-. The applicant was arrested and a report was lodged.

3. Learned advocate for the applicant submitted that the applicant is falsely implicated in the crime. He has roots in society. He will not flee away from the trial. The trial will take a long period. Entire investigation is completed and charge sheet is filed. Further custody of the applicant is not necessary. Considering all these reasons, it is lastly prayed to allow the application. Learned advocate for the applicant placed reliance on the following authorities:-

- i) Boota Singh and others vs. State of Harayana, Criminal appeal No.421 of 2021, decided by the Hon'ble Supreme Court on 16.04.2021.
- ii) State of Rajasthan vs. Jag Raj Singh @ Hansa, Criminal Appeal No. 1233 of 2006, decided by the Hon'ble Supreme Court on 29.06.2016.
- iii) Vandeo Shamrao Dhakare vs. State of Maharashtra, Criminal Application (BA) No. 259 of 2024 decided by this Court (Nagpur Bench) on 01.10.2024.
- iv) Sandip Ashok Raut vs. The State of Maharashtra, Bail

application No. 2522 of 2014, decided by this Court (Principal Seat) on 25.03.2015.

- v) Kunal Dattu Kadu vs. Union of India, Anticipatory Bail application No. 2173 of 2022, decided by this Court (Principal Seat) on 29.08.2022.
- vi) Kiran Macchindra Kale vs. The Senior Inspector of Police and Anr. Criminal Bail application No. 2987 of 2022 and other connected applications, decided by this Court (Principal Seat) on 14.10.2024.

4. Learned A.P.P. for the State strongly opposed the application and submitted that the applicant is involved in a serious crime. If the applicant is released on bail, he will certainly pressurize the prosecution witnesses and tamper with the evidence. He may also commit similar nature of crime again. The applicant is resident of Jharkhand State, his presence cannot be secured for trial. Now the matter is fixed for recording of evidence of the witnesses. The trial will not take a long period. It is lastly prayed to reject the application.

5. Perused the charge sheet, particularly the report and the statements of witnesses. The procedure under sections 42 and 52 of the N.D.P.S. Act is followed. A huge quantity of ganja, weighing 39.590 kg, was seized from the applicant. It exceeds the commercial

quantity. If the applicant is released on bail, he will pressurize the prosecution witnesses and tamper with the evidence. His presence cannot be secured for the trial easily, as he is residing in another State. The possibility of commission of similar crime cannot be ruled out.

6. The applicant has relied upon six case laws cited (supra). Nobody will dispute the law laid down in the said case laws. The facts of those cases are different than this case. Each case is to be decided on its own merit. In this case, Ganja more than commercial quantity is seized at the instance of this applicant. Considering all these aspects, the applicant is certainly not entitled for bail. The law laid down in the authorities cited by the applicant is not applicable to the facts of the present case, particularly when the quantity of more than 39 Kg. Ganja has been seized from the applicant. The application therefore, deserves to be rejected. Hence, the following order:-

O R D E R

Application is rejected.

(SANJAY A. DESHMUKH, J.)