



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1519 OF 2025

RAMESH LAKDYA PAWARA
VERSUS
THE STATE OF MAHARASHTRA

Advocate for Applicant : Mr. C. C. Deshpande
APP for Respondent-State : Ms. R. R. Tandale

CORAM : SACHIN S. DESHMUKH, J.

Date : 12th December, 2025

ORDER :-

1. The applicant has approached this Court seeking regular bail in connection with FIR dated 27.10.2024 bearing Crime No. 285 of 2024 registered with Shirpur Talukar Police Station, Dist. Dhule for the offences punishable under Sections 8(c), 20(b) (ii)(c), 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. The genesis of the case lies in the alleged cultivation of ganja on land allotted to the applicant by the Government. The plants measured 3 to 5 feet in height and weighed a total of 1,770 kg. Following an initial inquiry, police registered FIR No. 285 of 2024, leading to the investigation that resulted in the arrest of the applicants.

3. The learned counsel for the applicant submits that it will be difficult to establish whether the alleged contraband falls within the meaning of "ganja" as contemplated under Section 2(b) of the NDPS Act. According to the learned counsel, the investigation is complete and the charge-sheet has been filed. Since the trial is likely to take time, and the applicant is an agriculturist, as such, there is no flight risk, the counsel has prayed that the application be allowed.

4. The learned APP vehemently opposed the application, submitting that the applicant cultivated contraband on government-allotted land, frustrating the purpose of the allotment. Considering that the weight of the seized contraband exceeds the "commercial quantity" defined under the NDPS Act, the APP prayed for rejection of the application.

5. Upon considering the submissions of both the sides and perusing the material on record, including the charge-sheet, the learned JMFC has prepared the Inventory Certificate. The commercial quantity in relation to NDPS Act for contraband which is over and above 20 kg. However, the expression 'ganja' defined in Section 2(b) and (c) as the flowering and 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, and any mixture, with or without any neutral material, of any of the above forms of cannabis or any drink prepared therefrom.

6. The expression 'ganja' makes it abundantly clear that it refers specifically to the flowering or fruiting tops of the cannabis plant, excluding the seeds and leaves when they are not accompanied by the tops.

7. In the present case, as is evident from the FIR, what was found 1770 kgs of ganja where what was collected from the spot were plants having length of 3 to 5 feet. Equally, the Certificate of Inventory in respect of seized muddemal as per Section 52(A)(3) of NDPS Act indicates that the packets and the envelopes were containing alleged ganja plants with leaves of greenish colour. Thus, the Inventory Certificate indicates that it was the plant with leaves. In these circumstances, prima facie, it is doubtful whether quantity can be said to be commercial one.

8. There is no separate record to indicate that the quantity of flowering plants. Therefore, at this juncture, it would be doubtful whether the offence would be falling under Section 20(b) of the NDPS Act. In view of the aforesaid circumstances and in absence of

record in respect of cultivation of flowering tops, it is doubtful whether quantity that was seized can be regarded as exceeding the commercial quantity.

9. The learned counsel for the applicant relies on **Laxman Shankar Ghankute Vs. State of Maharashtra** (Criminal Bail Application No. 2583 of 2019), decided by this Court on 23.06.2021 wherein this Court observed that because the seizure consisted of whole plants without a specific quantification of flowering tops, there was doubt as to whether the weight could be classified as "commercial quantity."

10. In view of the aforesaid reasons, the request of the applicant warrants consideration. Accordingly, the following order :-

ORDER

- (I) Application is **allowed**.
- (II) Applicant – Ramesh Lakdya Pawara be released on regular bail on furnishing P.R. bond of Rs. 50,000/- (Fifty Thousand Only) with one or two local solvent sureties in the like amount, in connection with Crime No. 285 of 2024 registered with Shirpur Talukar Police Station, Dist. Dhule for the offences punishable under Sections 8(c), 20(b)(ii)(c), 22(c) of the Narcotic Drugs and Psychotropic Substances Act,

1985, on the following conditions :-

- (a) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts either to the Court or to any Police Officer.
 - (b) The applicant shall not tamper with the prosecution evidence in any manner and shall cooperate the learned Trial Judge in expeditious disposal of the trial against him.
 - (c) The applicant shall not indulge in similar type of offences in future.
 - (d) In case of breach of any of the conditions by the applicant, it is open for the Prosecution to move this Court seeking cancellation of bail.
- (III) Needless to states that the observations rendered herein are to the extent of this application and the trial court shall not be influenced by the same.

(SACHIN S. DESHMUKH, J.)