



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1686 OF 2025

ANIL KANTARAM JADHAV ALIAS SHAIKH SOHEL SHAIKH KHALIL
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Advocate for Applicant : Mr. Manish P. Tripathi
APP for Respondents-State : Ms. R. R. Tandale

CORAM : SACHIN S. DESHMUKH, J.

Date : 8th December, 2025

ORDER :-

1. The applicant has approached this Court seeking regular bail in connection with FIR dated 20.09.2024 bearing Crime No. 280 of 2024 registered with Ambajogai Rural Police Station, Dist. Beed for the offences punishable under Sections 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. The prosecution case is that, Assistant Police Inspector attached to the Office of the Additional Superintendent of Police, Ambajogai, lodged a report stating that on 19.09.2024, Additional Superintendent of Police received secret information regarding individuals in possession of cannabis leaves near the Ghatnandur to Chopanwadi Road and ordered a raid. Accordingly, Police Inspector summoned two panchas and a Weighing Specialist to assist the police team in conducting the raid, where they discovered five

accused persons, including the present applicant and two absconding individuals, sitting under a tree with several bags. Authorities seized 22.350 kg and 17.160 kg of cannabis from plastic and polythene bags, respectively. Additionally, they recovered 17.840 kg from two wire bags belonging to Pratik Bhetu Mandal and two separate quantities— 22.090 kg and 23.390 kg from accused Ajay Mal Rapan Mal. The Investigating Officer collected samples from each seized quantity and lodged the FIR.

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 as such, there is no flight risk, the learned counsel has prayed that the application be allowed.

4. In order to support the submissions, the learned counsel for applicant relief upon following judgments.

- (I) **State of Rajasthan Vs. Parmanand and Anr. (AIR 2014 SC 1384)**
- (II) **Narcotic Control Bureau Vs. Kashif [(2024)11 SCC 372]**
- (III) **Rahul Bhimrao Pawar Vs. The State of Maharashtra (Criminal Bail Application No. 2977 of 2021)** delivered by this Court on 03.01.2022

5. The learned APP vehemently opposed the application, submitting that the applicant found in possession of contraband. 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. In support of submissions, the learned A.P.P. has placed reliance on judgment in the case of **Narcotic Control Bureau Vs. Kashif (supra)** to contend that the delay or lapse of procedural irregularity would not entitle the accused to be released on bail.

6. 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.

7. Admittedly, the case originates from the allegation that the accused were found in possession of ganja. Upon receiving secret information regarding unknown individuals carrying dried ganja leaves, a police team conducted a raid and discovered the contraband. A total of 120.83 kg of ganja (muddemal) was seized, leading to the arrest of the applicant.

8. The Hon'ble Apex Court in case of **Prasanta Kumar Sarkar Vs. Ashis Chatterjee [(2010)14 SCC 496]**, has held that

the mechanical grant of bail reflects non-application of mind, and outlined eight crucial factors to be considered, including reasonable ground for belief in guilt, nature of evidence and possibility of justice being thwarted.

9. Equally, the Honourable Apex Court in case of **State of UP through CBI Vs. Amaramani Tripathi [(2005)8 SCC 21]**, has held that the Court must evaluate the *prima facie* evidence showing the applicant's involvement. If such evidence is credible and supports the accusations, bail may be refused. As stated earlier, the applicant was found in possession with the contraband.

10. The Honourable Apex Court in the case of **Mahipal Vs. Rajesh Kumar and Ors. (AIR 2020 SC 670)** has laid down the principle that bail can be refused when the material produced by prosecution establishes a clear *prima facie* face. The Court should not conduct a mini-trial; it should only examine whether the available evidence links the accused to the alleged offense.

11. To secure bail, the applicant must establish that the evidence collected and intended to be presented by the prosecution fails to establish a *prima facie* case of the applicant's involvement in or commission of the alleged offence. Since this necessary aspect has not been satisfied by the applicant, the applicant is presently disentitled to claim the bail.

12. Considering the material available, a clear prima facie case is made out showing the involvement of the accused. Equally, the Hon'ble Apex Court has consistently reiterated that when considering bail application/s in serious offenses, the Court must treat vital considerations like the nature of the charge and the nature of the evidence as paramount.

13. Similarly, the Hon'ble Apex Court in case of **Ram Govind Upadhyay Vs. Sudarshan Singh [(2002)3 SCC 598]**, has held that a judicial discretion in granting bail must not be exercised whimsically, especially in heinous / serious offences.

14. Equally, the submissions putforth by the learned A.P.P. lends support to the observations rendered in **Narcotic Control Bureau Vs. Kashif (supra)**, wherein the Honourable Apex Court held that the lapse or delayed compliance of procedural irregularity with Section 52(a) would not entitle the accused to be enlarged on bail. As such, the applicant being a transporter cannot seek benefit of the same.

15. In the present case, the FIR indicates that 22.440 kg of ganja was discovered. Similarly, the Certificate of Inventory issued under Section 52A(3) of the NDPS Act confirms that six bags were weighed and measured, all containing cannabis. Consequently, the Inventory Certificate indicates that the accused was in possession

of cannabis.

16. There is *prima facie* evidence on record indicating the presence of flowering or fruiting tops. Consequently, at this stage, the offence appears to fall under Section 20(b) of the NDPS Act. Considering these circumstances, a *prima facie* case exists against the applicant.

17. As far as the reliance placed by the learned counsel for the applicant is concerned, the same being distinguishable on facts to that of the present case, same do not lend any support in favour of the applicant.

18. In view of the aforesaid observations and having regard to the gravity of the offence, I do not find merit in the present application and accordingly, the bail application is **rejected**.

(SACHIN S. DESHMUKH, J.)

Omkar Joshi