



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

ANTICIPATORY BAIL APPLICATION NO. 1883 OF 2025

ANKUSH MALHARI GAIKWAD

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Gandle Mahendra Panditrao

Addl.PP for Respondent/State : Mr. S.G. Sangle

...

CORAM : MEHROZ K. PATHAN, J.

DATE : 25th NOVEMBER 2025

PER COURT :

1. The Applicant has approached this Court, seeking anticipatory bail in connection with Crime No.475/2025 registered with Kaij Police Station, Beed for the offences punishable under Sections 20 and 8(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. The case of the prosecution is that the Police Officer received secret information about the cultivation of cannabis near the house of the Applicant and also in front of the plot of one Barikrao Shinghane. The police authorities therefore conducted a raid and found cannabis plants in front of the house of the Applicant as well as in front of the house of Barikrao Shinghane. The contraband cannabis plants were thus seized, and the present FIR was lodged by the Police Officer.

3. It is the submission of the learned Counsel for the Applicant that the Applicant is falsely involved in the present case as there is nothing on record to show that the cannabis plants were cultivated at the instance of the Applicant. It is his further submission that interestingly the other person Barikrao Shingane is not made an accused in the present crime, even though the cannabis plants were found to be cultivated in the vacant plot, even in front of the house of Barikrao Shingane. He therefore submits that the quantity seized is also not of commercial weight and therefore the Applicant being 73 years old, having no criminal antecedents, is entitled for release on anticipatory bail as he is ready to abide by any conditions that may be imposed by this Court.

4. As against this, the learned APP Mr. Sangle submits that the offence is serious in nature. The police received secret information that the Applicant was cultivating cannabis plants on the vacant plot in front of his house. The raid was therefore conducted and the contraband cannabis plants were seized from the spot, not only from the vacant plot in front of Applicant Ankush, but also from the vacant plot in front of the house of Barikrao Shingane. He therefore submits that even though there is no commercial quantity seized from the spot, however the quantity 3.452 kg. of cannabis plants which is more than the small quantity and is an intermediate quantity. He therefore submits that the custodial interrogation of the Applicant is necessary to find out the person behind the conspiracy and abetment of committing the crime under NDPS Act.

5. I have gone through the investigation papers and the spot panchnama prepared at the time of conducting the raid. The perusal of the investigation papers would show that the cannabis plants were grown not only in front of the house of the Applicant, Ankush, but also in front of the house of another person, Barikrao Shingane. The contraband seized from the spot is 3.452 kg., which is not a commercial quantity, therefore rigors of Section 37 of NDPS Act. The Applicant is also not having any criminal antecedents. The investigation papers were scrutinized and no statement is there on record to show that the said seized contraband cannabis plants were grown or cultivated by the present Applicant. The secret information received is also not noted in the station diary of the police station. However these are observations which are prima facie in nature and may not affect any proceedings before any other Court. The apprehension of the learned APP can be taken care of by imposing stringent conditions upon the present Applicant.

. Looking to the nature of the allegations as against the present Applicant and also the fact that the Applicant is not having any criminal antecedents, moreover the contraband seized is not that of commercial quantity, I am therefore inclined to protect the present Applicant on stringent conditions of attending the Investigating Officer. Hence the following order :

ORDER

(i) In the event of arrest of the Applicant - Ankush Malhari Gaikwad in connection with Crime No.475/2025 registered with Kaij

Police Station, Beed for the offences punishable under Sections 20 and 8(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985, he be released on bail on furnishing P.R. bond of Rs.50,000/- (Rupees Fifty Thousand) with two solvent sureties in the like amount, on the following conditions :

(a) The Applicant is directed to attend the concerned police station on Saturday of every week between 12:00 pm. to 04:00 pm. until the filing of the charge-sheet as against the Applicant and as and when called by the Investigating Officer thereafter till framing of charge.

(b) The Applicant shall not tamper with the prosecution evidence and shall not influence the witnesses.

(c) The Applicant shall attend the trial regularly except in emergency, he can seek exemption from the trial Court.

(d) The Applicant shall not indulge into any other offences of like nature and a single incident of involvement in identical offences under the NDPS Act would entitle the prosecution to seek cancellation of bail.

(ii) The application is allowed in the above terms and stands disposed of.

MEHROZ K. PATHAN
JUDGE