



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

BAIL APPLICATION NO. 2321 OF 2024

Shri Narayan S/o Vishnu Shinde
Age: 43 years, Occu.: Agriculture,
R/o. Mangloor, Cha. Sambhajnagar,
Tq. and District Cha. Sambhajnagar.Applicant

Versus

The State of MaharashtraRespondent

.....
Advocate for Applicant : Mr.A.K.Bhosle h/f. Mr.Vishnu B.Madan
APP for Respondent : Mr.N.D.Batule

.....

CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 08 JANUARY, 2025

PRONOUNCED ON : 10 JANUARY, 2025

ORDER :

1. This is a regular bail application in Crime no.0450 of 2024 registered at Karmad Police Station, Dist.Chhatrapati Sambhajnagar for offence under Sections 8(b) and 20(b) of the Narcotics Drugs and Psychotropic Substances Act.

2. Learned counsel for the applicant pointed out that applicant is arrested in above crime on 09-11-2024. That there are allegations

that applicant was cultivating prohibited *Ganja plants*, weighing 14 kg. However, segregation was not done and the quantity of unsegregated seized *Ganja plants* is below commercial quantity. It is pointed out that applicant has no criminal antecedents. He is behind bars since near about two months. That nothing is to be recovered and hence, he seeks relief of bail. Learned counsel pointed out that in similar case with similar allegation, as quantity was below commercial quantity, this Court was pleased to grant bail vide order dated 06-12-2024.

3. Learned APP opposed the application on the ground that applicant was apprehended with *Ganja plants* in his field. That there is provision of punishment of imprisonment for ten years for cultivating *Ganja plants*. That investigation is still in progress and hence, he prays to reject the application.

4. Heard both the sides. Perused the FIR dated 09-11-2024 at the instance of official of Karmad Police Station, Tq. and District Chhatrapati Sambhajinagar, who claims to have acted on the secret information and apprehended present applicant on 09-11-2024 in his field itself, where alleged *Ganja plants* were cultivated. Informant

claims that applicant was cultivating *Ganja* plants weighing 14 kg. worth Rs.70,000/- and hence on his report, crime is registered for above offence and applicant is said to be taken in custody. Admittedly, quantity of *Ganja* plants seized is shown to be 14 kg. Learned APP does not deny that it is below commercial quantity. Only ground for opposing relief is that investigation is in progress. However, on Court query, learned APP conceded that seizure is already despatched to Chemical Analyzer. Therefore, in the light of above, relief as prayed deserves to be granted. Hence, the following order :

ORDER

- (i) Application is allowed.
- (ii) Applicant Shri Narayan S/o Vishnu Shinde be released on bail in connection with Crime no.0450 of 2024 registered with Karmad Police Station, Tq. and District Chhatrapati Sambhajnagar on executing Personal Bond of Rs.15,000/- with one surety in the like amount.
- (iii) Applicant shall not tamper prosecution evidence.

(ABHAY S. WAGHWASE)
JUDGE