



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2318 OF 2024

Akash S/o Santosh Khedkar
Age: 23 years, Occu.: Agriculture,
R/o. Rawalgaonn, Tq.Karjat,
Dist.Ahmednagar.

....Applicant

Versus

The State of Maharashtra
Through Police Inspector,
Mirajgaon Police Station .

.....Respondent

.....

Advocate for Applicant : Mr.Ajinkay A.Joshi h/f. Mr. Sharad V. Natu
APP for Respondent : Mr.S.B.Narwade

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 29 JANUARY, 2025

PRONOUNCED ON : 30 JANUARY, 2025

ORDER :

1. Applicant seeks enlargement on bail on ground of his arrest in crime no.0287 of 2024 registered at Mirajgaon Police Station, Ahmednagar for offence under Sections 20(b)(ii) and 22(c) of the Narcotic Drugs and Psychotropic Substances Act (NDPS Act).

2. Learned counsel for the applicant pointed out that applicant is arrested in above crime on 26-10-2024. That, there are allegations that applicant was cultivating *Ganja* crop. However, according to learned counsel, though applicant's name is appearing on 7/12

extract to be owner and possessor of said land, alongwith him, in the same Gut Number, there are other eight owners and as such according to him, it is not shown specifically that applicant alone cultivated and is reaping the harvest. He further submitted that there is no segregation of plants and sampling are said to be seized. That applicant is behind bars since October 2024. That according to him, now investigation is almost over and therefore, his further custody is not required as seizure of alleged contraband is already effected by prosecution. He seeks reliance on the orders passed in previous proceedings bearing Bail Application Nos.211 of 2019, 1296 of 2022, 1271 of 2023 and 763 of 2024, wherein similarly placed accused were let off on bail.

3. While opposing the bail application on the ground that applicant is admittedly in possession of land where *Ganja* was under cultivation. That, applicant was present at spot at the time of raid and visit. According to learned APP, there are statements of neighbours suggesting applicant taking cultivation and as investigation is still going on, present application has been opposed.

4. Perused the papers and the FIR dated 26-10-2024 at the instance of Police Official. Substance of the FIR is that on

26-10-2024, on secret information, raid was conducted to land at Gut No.82, Ravalgaon Shivar, Tq.Karjat and applicant was found to be present in the land having *Ganja* plants weighing 117.410 kg. worth Rs.3,52,230/-. Learned APP does not dispute that said land is in Gut No.82 and there are almost eight other owners. Though visit and seizure is shown to be effected on 26-10-2024, statement of immediate neighbours are not recorded on the same day, but are shown to be recorded on 06-11-2024. Therefore, in the light of above material, when seizure is already caused and same is sent to Chemical Analyzer, merely for want of CA report, there is no reason to further detain the applicant. Hence, the following order :

ORDER

- (i) Application is allowed.
- (ii) Applicant Akash S/o Santosh Khedkar be released on bail in connection with Crime no.0287 of 2024 registered with Mirajgaon Police Station, Ahmednagar 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