



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1627 OF 2024

Pradip Sunil Sarode .. Applicant

Versus

The State of Maharashtra & Anr. .. Respondents

Mr. Nitin V. Gaware h/f. Mr. Avinash N. Barhate Patil, advocate for the Applicant.

Mr. S. K. Shirse, APP for Respondent Nos.1 and 2.

CORAM : ARUN R. PEDNEKER, J.

DATE : 07.02.2025

PC.:-

1] Heard learned counsel for the applicant and the learned APP for the respondent-State.

2] The applicant has approached this Court apprehending arrest in connection with FIR No.0066/2024 dated 10.02.2024 registered with Rahata Police Station, District Ahmednagar, for the offences punishable under sections 8C, 29 and 20 of Narcotic Drugs and Psychotropic Substances Act, 1985.

3] The learned counsel for the applicant points out the inventory prepared by the Magistrate in terms of Section 52(A) of the Narcotic Drugs And Psychotropic Substances Act, 1985. In the said inventory report, the Magistrate has described the contents of the packets as “पाकिटांमध्ये पाहिले असता आतमध्ये हिस्वट करड्या रंगाचा पाला व काड्यांच्या स्वरूपात असलेला उग्र वास येणारा पदार्थ आढळून आला”. The learned counsel for the applicant submits that the seized material did not contain Ganja, it contains only leafs and stems and not a part of

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offending material Ganja. There were no flowering or fruiting tops of the Ganja plant. He submits that in absence of flowering or fruiting tops of Ganja plant, the offending material cannot be said as Ganja and the entire mixture cannot be considered at all as part of Ganja. He submits that the report of the Magistrate has to be given precedent over the report prepared by the chemical analyst. He submits that the chemical analysis report starts at Exhibit-1 as flowering/fruiting tops deals with seeds and stuff put in polythene bag. He submits that the package is sent after one month of preparation of the report by the Magistrate. He submits that, prima-facie, there is a discrepancy in the description of the contraband seized by the Magistrate who prepared a report under Section 52(a) and 52(b) of the Narcotic Drugs And Psychotropic Substances Act, 1985 and the report of the chemical analyst. The samples prima-facie are different in nature. The learned counsel for the applicant further submits that the applicant is arrayed in the offence on the basis of statement of co-accused, who has made a statement that the said goods were transported at the instance of the present applicant.

4] Considering the prima-facie discrepancy between the two reports, interim protection is granted to the applicant.

5] In the meanwhile, there shall be interim order in the following terms :-

A] Till the next date, in the event the applicant is arrested in connection with FIR No.0066/2024 dated 10.02.2024 registered with Harata Police Station, District Ahmednagar, the applicant shall be released on bail on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount.

B] The applicant shall remain present before the investigating officer as and when required by the investigating officer.

C] The applicant shall co-operate with the investigation, including producing all documents in his possession, as may be demanded by the investigating officer.

D] The applicant shall not influence the informant, witnesses or any person concerned with the case and he shall not tamper with the evidence.

6] Needless to say, violation of any of the aforesaid conditions may result in this order being cancelled.

7] List on 21.02.2025. Interim protection granted today to continue till the next date only.

(ARUN R. PEDNEKER)
JUDGE