



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

969 ANTICIPATORY BAIL APPLICATION NO. 1627 OF 2024

PRADIP SUNIL SARODE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant :

Mr. N. V. Gaware h/f. Mr. Avinash N. Barhate Patil

APP for Respondent/State: Mr. G. O. Wattamwar

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CORAM : ARUN R. PEDNEKER, J.

DATE : 02.05.2025

P.C. :

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

2] The applicant is apprehending arrest in connection with Crime No.0066/2024, registered at Rahata Police Station, District Ahmednagar, for the offences punishable under Sections 8(C), 20(B)(ii),(C) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3] This court by order dated 07.02.2025 granted interim protection to the applicant noticing submissions at paragraphs no.3 and 4, as under:

“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 “पाकिटामध्ये पहिले असता आतमध्ये हिरवट करड्या रंगाचा पाला व काड्यांच्या स्वरूपात असलेला उग्र वास येणार 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 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.”

4] The learned APP points out that there are antecedents against the applicant.

5] Be that as it may, in the instant case, since this court has doubted about the material found with the applicant is ganja more particularly relying upon the inventory prepared, as such, in the instant case, the interim protection granted earlier would stand confirmed.

6] In view of the above, the interim protection granted by order dated 07.02.2025 stands confirmed, on the following terms:

i] The applicant shall attend the police station as and when required by the Investigating Officer.

ii] The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.

iii] The applicant shall co-operate with the investigation and also in the proceedings before the trial Court.

7] In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

8] It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

9] The application stands disposed of.

[ARUN R. PEDNEKER]
JUDGE

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