



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

15 BAIL APPLICATION NO. 797 OF 2025

1. SANJAY KESRAM PAWARA
2. IRAM DOGRIYA SENANI

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for Applicant :

Mr. Chaitanya Chandrakant Deshpande

APP for Respondent/State: Mr. D. J. Patil

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CORAM : ARUN R. PEDNEKER, J.

DATE : 30.06.2025

P.C. :

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

2] The applicants are seeking bail as they were arrested on 23.10.2024 in connection with Crime No.0281/2024, dated 23.10.2024, registered with Shirpur Taluka Police Station, District Dhule, for the offences punishable under Sections 20, 22-C of the NDPS Act & under Sections 3, 25 of the Arms Act & under Sections 37(1), 3 and 135 of the Maharashtra Police Act, 1951.

3] The learned counsel for the applicants submits that the applicants were found in possession of the 29 Kgs. of ganja, so also, with dangerous weapon. Applying the

rigours of Section 37 of the NDPS Act, the bail has been rejected by the trial court. The learned counsel for the applicants points out panchanama by the Magistrate, which shows that the bags containing dry leaves and green and yellow coloured seeds. The learned counsel submits that 'Ganja' is not recovered from the applicants; as the recovered material is only dry leaves and seeds.

4] The definition of "Ganja" under Section 2(iii) (b) of the ***NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES ACT, 1985*** (NDPS Act) reads as under:

"ganja, that is, the flowering or fruiting tops of the cannabis plant (excluding the seeds and leaves when not accompanied by the tops), by whatever name they may be known or designated"

5] There learned APP submits that there are no antecedents against the applicants. However, he points out that there is recovery of a country made pistol with two live cartridges, which is punishable offence under Arms Act with sentence up till 3 years of imprisonment.

6] The contraband recovered did not have any flowering or fruiting tops of ganja plants. Thus, it cannot be said that what is recovered is ganja. Considering the same, the applicants can be granted bail.

7] In view of the above, the application is allowed

in the following terms :

a] The applicants shall be released on bail in connection with Crime No.0281/2024, dated 23.10.2024, registered with Shirpur Taluka Police Station, District Dhule, for the offences punishable under Sections 20, 22-C of the NDPS Act & under Sections 3, 25 of the Arms Act & under Sections 37(1), 3 and 135 of the Maharashtra Police Act, 1951, on furnishing PR bond of Rs.20,000/- each with one or two local sureties in the like amount to the satisfaction of the trial Court.

b] The applicants, upon being released on bail, shall not contact the informant, in any manner whatsoever, during the pendency of the trial.

c] The applicants shall co-operate with the trial Court and they shall attend each and every date, unless exempted by the trial Court.

d] The applicants shall not tamper with the evidence of the prosecution and they shall not influence the informant, witnesses and other persons concerned with the case.

e] The applicants, upon being released on bail,

shall place on record of the trial Court the details of his Contact Number and residential address with updates in case of any change.

8] Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicants shall be liable to be cancelled.

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

10] The application stands disposed of.

[ARUN R. PEDNEKER]
JUDGE

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