

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 3464 OF 2024**

Ashokrao Bhaurao Gidh ...Applicant
Versus
The State of Maharashtra ...Respondent

....

Mr. Chetan H. Deshmukh, Advocate for the Applicant.

Mr. V. A. Kulkarni, A.P.P. for the Respondent – State.

Mr. S. A. Kale, (API), Nashik City, present.

....

**CORAM : N. R. BORKAR, J.
DATE : 17th MARCH, 2025**

P.C.:

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No. 48 of 2024 registered at Aadgaon City Police Station, District : Nashik for the offences punishable under Sections 8(c), 20(b) (ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act).
3. On 17.02.2024, on the basis of secret information, the applicant was apprehended and 2.012 Kg. of Ganja was found in his possession. During the course of investigation, at the instance of the present applicant, 32.320 Kg. Ganja came to be recovered.

4. I have heard the learned counsel for the applicant and learned A.P.P for the Respondent-State.

5. The learned counsel for the applicant submits that the definition of Gajna under Section 2(ii)(b) of the NDPS Act, takes in its ambit flowering and fruiting tops of the cannabis plant excluding seeds and leaves. It is submitted that flowering and fruiting tops were not separately weighed and therefore it cannot be said that commercial quantity was found in possession of the applicant. It is submitted that the applicant is 60 years old and there are no other criminal antecedents against him.

6. On the other hand, the learned A.P.P for the Respondent-State submits that as the applicant was found in possession of commercial quantity, the applicant is not entitled to bail, unless the conditions mentioned under Section 37 of the NDPS Act are satisfied. It is submitted that considering the nature of offence, the applicant may not be released on bail.

7. Prima facie there appears to be substance in the submission of the learned counsel for the applicant. The applicant is in jail for one year. The applicant appears to be 60

years old and there are no criminal antecedents against him.

Considering the overall facts and circumstances, I am inclined

to release the applicant on bail.

ORDER

- (i) Criminal Bail Application is allowed;
- (ii) The applicant is directed to be released on bail in connection with Crime No. 48 of 2024 registered at Aadgaon City Police Station, District : Nashik for the offences punishable under Sections 8(c), 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act) on executing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;
- (iii) The applicant shall attend the concerned Police Station once in a month i.e. on first Saturday between 11:00 a.m. to 1:00 p.m. till conclusion of trial;
- (iv) The applicant shall not commit any other crime in future.
- (v) Application stands disposed of accordingly.

(N. R. BORKAR, J.)