

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3429 OF 2025**

Taterao Baliram Gavate

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Tukaram Shendge, *i/b Rahul B Khot for the Applicant.*

Ms. Poonam P Bhosale, *APP for the Respondent-State.*

Mr. Ramchandra Jadhav, *PSI attached to Crime Branch, Unit-2, Bhiwandi, present.*

CORAM DR. NEELA GOKHALE, J.

DATED: 19th NOVEMBER 2025

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with FIR No. 104 of 2025 dated 4th February 2025 registered with the Nizampura Police Station, Bhiwandi, Thane City for the offences punishable under Sections 8(c), 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The facts, as discerned from the FIR, are that the Authorities received secret information that the Applicant was coming to Mama Bhanja Darga, Millat Nagar, Bhiwandi to sell *Ganja*. Accordingly, a trap was laid and after complying with due provisions under the NDPS Act, the Applicant was apprehended and was found in possession of 25 kgs. of *Ganja*. He was accordingly, arrested on 3rd February 2025 pursuant to an FIR being registered against him.

3. The Applicant filed an application seeking bail before the Additional Sessions Judge, Bhiwandi. However, by order dated 20th August 2025, his bail application was dismissed. Hence, the Applicant is before this Court for the reliefs as prayed.

4. Mr. Tukaram Shendge, learned counsel appearing for the Applicant, submits that since the weight of the *Ganja* was taken along with the flowers, stocks, stems, seeds and leaves totalling 25 kgs in 8 packets, it is quite probable that the weight of the stocks, flowers, etc. of the material recovered

would weigh 5 kgs. and in that case, the actual *Ganja* recovered would be less than 20 kgs., which is of non-commercial quantity. He submits that in these circumstances, the embargo of Section 37 of the NDPS Act, will not apply. He further submits that the Applicant is only 27 years of age. He thus, prays that the Applicant be enlarged on bail.

5. Ms. Poonam Bhosale, learned APP representing the State in the matter, on instructions, submits that there are 4 antecedents against the Applicant, however, none of the antecedents pertain to the offences under the NDPS Act. She submits that the offence is serious and commercial quantity of *Ganja* is seized from the Applicant. In these circumstances, the Bail Application be rejected.

6. Heard learned counsel appearing for the respective parties and perused the record with their assistance.

7. It *prima facie* appears that weight of the flowers, stocks, stems, etc., may weigh 5 kgs. out of the *Ganja* recovered from

8 packets. C.A. Report is yet awaited. It is possible that the quantity of *Ganja* recovered from the Applicant was of an intermediate quantity and not that of commercial quantity; the antecedents pertaining to the Applicant do not relate to the offences under the NDPS Act; the Applicant being 27 years of age, I am inclined to enlarge the Applicant on Bail. Hence, the following order is passed:

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.50,000/ with one or two local sureties in the like amount;
- ii) The Applicant shall attend the Police Station concerned on the first Monday of every month between 11:00 a.m. and 02:00 p.m.;
- iii) The Applicant shall attend the Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;

iv) If the Applicant has not deposited his passport, the Applicant shall deposit the same with the Police Station concerned, if any;

v) The Applicant shall not leave India, without the permission of the Trial Court;

vi) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

vii) The Applicant shall inform his latest place of residence and mobile number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the Police Station concerned;

viii) The Applicant to co-operate with the conduct of the trial;

ix) Any infraction of the aforesaid conditions shall entail cancellation of bail.

8. The Application is allowed in the above terms and is accordingly disposed of.

9. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(DR. NEELA GOKHALE, J)

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signed by
SHAMBHAVI
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