

Ajit Pathrikar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3969 of 2025**

Seema Suresh Ghadge ...Applicant
Versus
State of Maharashtra _____ ...Respondent

Mr. Ayaz Khan *a/w Dilip Mishra, Zehra Charania and Mallika Sharma, for the Applicant.*

Mr. Yogesh Y. Dabke, *APP for the State-Respondent.*

API – Amol Gavali, *ANC, Azad Maidan Unit, is present.*

CORAM Dr. Neela Gokhale, J.
DATED: 16th October 2025

PC:-

1. The Applicant seeks her release on bail in connection with CR No. 10 of 2025 dated 23rd January 2025 registered with ANC, Azad Maidan, Mumbai for the offences punishable under Section 8 (c) read with Section 20 (c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. There are in all two accused; namely of a mother and daughter duo. The facts of the case, in brief, are that the

officials, while on duty, received information that the Applicant and her co-accused daughter, were engaged in selling Ganja and storing the same in a room in Andheri (East). Armed with this information, a raid was carried out, following the appropriate procedure under the NDPS Act and Ganja was recovered from the said house. Two Polythene bags were found in a cupboard containing the Ganja. The weight of the contraband was found to be 29.980 Kgs. This weight, included the weight of Ganja along with the fruits, flowers, leaves, stems and seeds. Accordingly, FIR was registered. The Applicant filed an application seeking bail before the Special NDPS Court, Greater Mumbai and by order dated 8th October 2025, the bail application was rejected. Hence, she is before this Court for the relief as prayed.

3. At the very outset, Mr. Ayaz Khan, learned Counsel for the Applicant, tendered an order, passed by the Special Court, NDPS Act, Greater Bombay, enlarging the co-accused on bail. He submits that the co-accused, the Applicant's daughter, was

actually found on the spot, in the hut from which place the Ganja was recovered. It is on the statement of the co-accused that the present Applicant was also arrested. He submits that on the principle of parity, the Applicant be enlarged on bail. He also submits that there are no antecedents in respect of the present Applicant.

4. *Per contra*, Mr. Yogesh Dabke, learned APP, contests the present application. He submits that the hut where the Ganja was found belongs to present Applicant. He also points to the para 7 of the bail order of the co-accused. The Trial Court observed in the said bail order that although the daughter i.e. the co-accused was found present in that room, the room is owned by the present Applicant. Hence, Mr. Dabke submits that there is no parity in the role of the Applicant and the daughter, who is already enlarged on bail. He submits that the offences are serious, commercial quantity of Ganja was seized and hence, the application be rejected.

5. I have heard learned Counsel appearing for the respective parties and perused the record with their assistance.

6. I have perused the order of bail granted to the co-accused i.e. the Applicant's daughter. Para 8 of the said order has considered various decisions of this Court and the Supreme Court, where it is held that the weight of Ganja without segregating leaves, seeds, stalk would not attract the embargo of Section 37 of the Act while considering whether the quantity of seized Ganja is of commercial quantity.

7. Mr. Dabke fairly submits that the recovered ganja was weighed alongwith the fruits, seeds, leaves and stems. It is likely that if there was segregation, the net weight of the Ganja exclusively may be of non commercial quantity. In the absence of segregation, the rigors of Section 37 will not apply. In any case, the co-accused who was found at the spot in the house although owned by the present Applicant's mother is enlarged on bail on the aforesaid ground that is in view of the

non segregation of the Ganja. In this context, I am of the view that the principle of parity will apply. In these circumstances, I am inclined to enlarge the Applicant on bail and it is ordered as under:

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 is permitted to furnish provisional cash bail of Rs.50,000/- for her release immediately and file undertaking that she will provide one or two sureties in the like amount of Rs.50,000/- within a period of four weeks after her release, which shall be accepted by the Trial Court. The Applicant shall provide the sureties as directed;
- iii) The Applicant shall attend the police station concerned once in a month, till the charges are framed.

- iv) The Applicant shall attend the Trial Court concerned on each and every date as directed, till the conclusion of the trial, save and except if the Applicant is exempted from appearance by orders of the Trial Court;
- v) If the Applicant has not deposited her passport, the Applicant shall deposit the same with the concerned Police Station, if any;
- vi) The Applicant shall not leave India, without permission of the trial Court;
- vii) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- viii) The Applicant shall inform her latest place of residence and mobile contact 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 concerned Police Station;

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

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

8. 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 Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(Dr. Neela Gokhale, J)