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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 3989 OF 2025

Unkarram Jhunjarram Devasi.

...Applicant.

Versus

The State of Maharashtra.

...Respondent.

Mr. Kedar Patil, a/w. Mr. Jitesh Mundhwa, Mr. Virendra Deshmukh i/b. Ms. Sakshi Kadam, Advocate for the Applicant.

Mr. Dinesh J. Haldankar, APP for the Respondent/State.

API Dr. Dongare, Bavdhan Police Station.

CORAM: ASHWIN D. BHOBE, J.

DATED: 21st NOVEMBER, 2025.

PC:-

1. Heard Mr. Kedar Patil, learned Advocate for the Applicant and Mr. Dinesh J. Haldankar, APP for the Respondent/State.

2. By the present application filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, Applicant is seeking bail in connection with C.R. No.204 of 2025 registered with Bavdhan Police Station, Pimpri Chinchwad, Pune for the offence punishable under Sections 8(c), 20(B) (ii)(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS Act' for short).

3. Case of the prosecution is that on 16.05.2024, on the basis of secret information, raid was conducted at Village Mahalunge, where the Applicant was found in a suspicious condition with nylon bag in his hand. Upon his search, Ganja weighing 1 kg. 199 grams was found from the Applicant.

4. Mr. Kedar Patil, learned Advocate for the Applicant states that the aforesaid C.R. No. 204 of 2025 is now registered as Special (NDPS) Case No.949 of 2025 and is pending on the file of Additional Sessions Judge, Pune. Bail Application at Exhibit- 4 was dismissed by the learned Additional Sessions Judge, Pune on 22.09.2025.

6. Mr. Kedar Patil, learned Advocate for the Applicant submits that the contraband which is alleged to have been recovered from the Applicant is not “Ganja” within the definition under Section 2(iii) (b) and (c) of the NDPS Act. He submits that leaves, seeds, stems and stalks are excluded from the definition of Ganja. He submits that the investigation papers do not show separation of the seeds, leaves and stalks being segregated and thereafter weighed. He submits that the contraband which is subject matter of the crime is not commercial quantity.

7. Mr. Dinesh J. Haldankar, APP for the Respondent/State, submits that the raiding party has complied with all the mandatory requirements of the provisions of the NDPS Act. He submits that the recovery made from the Applicant is an intermediate quantity.

8. I have perused the record with the assistance of learned Advocates for the parties.

9. Recovery of the contraband from the Applicant is not of commercial quantity. The rigours under Section 37 of the NDPS Act, are not attracted.

10. Section 2(iii)(b) and (c) of NDPS Act defines 'Ganja' as 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, and any mixture, with or without any neutral material, of any of the above forms of cannabis or any drink prepared therefrom. Mr. Kedar Patil, learned Advocate for the Applicant submits there is no material placed on record to indicate that the seeds, leaves etc. being excluded, segregated and weighed separately from the alleged contraband to measure the quantity of Ganja. Considering the material on record, it is prima facie difficult to accept that the alleged contraband seized from the Applicant would fall within the definition of Ganja under the NDPS Act. Investigation is said to be complete. Custody of the Applicant pending trial of Special (NDPS) Case No.949 of 2025 is not warranted.

11. In view of the above, the present Bail Application is allowed, on the following conditions:

- (a) Applicant is directed to be released on bail in connection with C.R. No.204 of 2025 registered with Bavdhan Police Station, Pimpri Chinchwad, Pune on his furnishing P.R. Bond in the sum of Rs. 1,00,000/- with one or two local sureties in the like amount to the satisfaction of the Additional Sessions Judge, Pune.
- (b) Applicant shall report to the Investigation Officer, Bavdhan Police Station, Pimpri Chinchwad, Pune, twice in a month, i.e. on the first and fourth Saturday of each month between 11.00 a.m. to 1.00 p.m. till the conclusion of trial in Special (NDPS) Case

No.949 of 2025.

- (c) Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade such person from disclosing the facts to Court or any Police Officer. The Applicant shall not tamper with evidence.
- (d) Applicant upon release, within 3 days shall furnish to the Investigation Officer, Bavdhan Police Station, Pimpri Chinchwad, Pune his residential addresses with proof and the contact number and to keep the Investigating Officer intimated about the change in the same from time to time.
- (e) The Applicant shall regularly attend each and every date of hearing in Special (NDPS) Case No. 949 of 2025, before the Additional Session Judge, Pune, unless exempted.
- (f) Applicant shall not indulge himself in similar type of activities. On contravention of the said condition, bail granted to the Applicant would entail cancellation.

12. Bail Application No. 3989 of 2025 is disposed of.

(ASHWIN D. BHOBE,J.)