



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO.103 OF 2025

Rakesh Ramprasad Jatav @ Yadav and another
Vs.
State of Maharashtra, through Police Station Officer, Government Railway
Police Station (GRP), Nagpur District Nagpur

AND

CRIMINAL APPLICATION (BA) NO.296 OF 2025

Dinesh @ Dinne s/o Ramprakash Vishwakarma
Vs.
State of Maharashtra, through Police Station Officer, Police Station GRP
Railway, Nagpur

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. R. M. Patwardhan, Counsel for the applicants in BA No.103/2025.
Mr. M. K. Pathan, APP for non-applicant/State in BA No.103/2025.
Mr. A. K. Bhangde, Counsel for the applicant in BA No.296/2025.
Mr. C. A. Lokhande, APP for the non-applicant/State in BA No.296/2025.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 24/04/2025

1. Both the applications are preferred by the applicants for grant of bail in connection with Crime No.697/2024 registered with Railway Police Station (GRP) Nagpur for the offence punishable under Sections 20(b)(ii)(C) and 29 of the Narcotic Drugs and Psychotropic Substances Act (for short 'NDPS Act').

2. On 14.06.2024 when the officers of the GRP Railway apprehended two persons on suspicious

circumstances and during interrogation with them the said two persons informed that they were carrying three bags containing ganja brought from Kesinga, Orissa. The said two persons have further informed that they were going Gwalior for selling the said contraband articles by Tamil Nadu Express and they have also informed that they have procured the said ganja, thereafter the information was forwarded to the superiors in view of Section 42 of the NDPS Act. The notices under Section 50(1) of the NDPS Act were also issued to both the applicants. The samples were drawn in presence of the panchas and after completion of the investigation, the charge-sheet is filed. The inventory report is also prepared before the Magistrate. On the basis of the same, the charge-sheet is filed against the present applicants as they were found in possession of the contraband articles ganja.

3. Heard learned Counsel for the applicants, who submitted that the description of the contraband article ganja is not mentioned either in the FIR or the spot panchanama. It is not included flowering or fruiting tops and without segregating the same it was weighed. He also invited my attention towards the inventory report and submitted that the inventory report shows the total weight of ganja in three bags came to the tune of 19.605 Kg. Thus, it is not a commercial quantity but it is intermediate quantity and the rigor under Section 37 of the NDPS Act will not attract. In view of that, he submitted that the

applicants be released on bail. He further submitted that there are no criminal antecedents against the present applicants.

4. Learned APP in both the cases strongly opposed the said applications and submitted that the CA report sufficiently shows that the seized contraband article was accompanied with fruiting and flowering tops, and therefore, the contention of the learned Counsel for the applicants that it is not within the definition of ganja is not sustainable. They further submitted that there is communication between the present applicants. Their connection with each other is also established from the CDR reports. Though the investigation is completed, but considering the contraband articles which are seized from the possession of the present applicants, the application deserves to be rejected.

5. After hearing both the sides and on perusal of the investigation papers it reveals that the description in the FIR as well as the spot panchanama is कळीदार and the CA report also discloses that the contraband articles forwarded to the CA was accompanied with flowering or fruiting tops. Thus, as far as the contention of the applicants that the contraband articles which is seized is not within the definition of ganja is not sustainable. From the investigation papers, it further reveals that there is a compliance of Section 42 and Section 50 of the NDPS

Act. Now coming to the inventory report, in the inventory report no description is mentioned by the investigation agency or Magistrate as to the description of the contraband which is seized. However, considering the fact that seized contraband is less than commercial quantity which comes under the intermediate quantity, and therefore, the rigor under Section 37 of the NDPS Act will not attract. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

(i) The Criminal Application (BA) No.103/2025 and Criminal Application (BA) No.296/2025 are allowed.

(ii) The applicant **No.(1) Rakesh Ramprasad Jatav @ Yadav and No.(2) Ayan Rashid Khan** in Criminal Application (BA) No.103/2025 and the applicant **Dinesh @ Dinne s/o Ramprakash Vishwakarma** in Criminal Application (BA) No.296/2025 shall be released on bail in connection with Crime No.697/2024 registered with Railway Police Station (GRP) Nagpur for the offence punishable under Sections 20(b)(ii)(C) and 29 of the Narcotic Drugs and Psychotropic Substances Act, on executing PR Bond in the sum of Rs.1,00,000/- each with one solvent surety in the like amount.

(iii) The applicants shall attend the concerned Nagpur Railway Police Station twice in a month on 1st and 15th of every month till the culmination of the trial.

(iv) The applicants shall not indulge themselves in similar types of the activities and a

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single reported incident would lead to the cancellation of the bail.

(v) The applicants shall attend the proceeding before the Special Court without seeking any exemption unless there are exceptional circumstances.

(vi) The applicants shall furnish their detailed address along with the address proof along with the names of two relatives and their address proof.

The applications are disposed of.

(URMILA JOSHI-PHALKE, J.)