



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

CRIMINAL APPLICATION (BA) NO. 663 OF 2025

Santosh Gajanan Kamble

Vs.

State of Maharashtra, through Police Station Officer, Police Station Pinjar,
District Akola

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

Court's or Judge's orders

Mr. A. S. Londhe, Counsel for the applicant through video conferencing.
Mr. A. J. Gohokar, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 14/07/2025

1. The applicant came to be arrested on 14.04.2024 in connection with Crime No.112/2024 registered with Police Station Pinjar, District Akola for the offence punishable under Sections 8(c), 20(b)(ii), 20(C) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act').

2. The crime is registered on the basis of report lodged by Head Constable Namdeo Mahadeo More on an allegation that 30.03.2024, Police Station Officer of Police Station Pinjar, received information from Police Patil of village Titwa, that a plastic bag emitting strong odor was found near the pond. On such information, the Police Station Officer obtained written permission from superior officer and directed the informant to reach the said spot. Accordingly, the

informant reached the spot. In the presence of panchas, the bag was seized. On inquiry, he came to know from the Police Patil that the said bag was kept there by the present applicant and one more person by name Digambar Maroti Zinge. Thus, the informant revealed that the involvement of the present applicant and the other co-accused. The total ganja was found 19.350 kg, and hence, the report came to be lodged.

3. Heard learned Counsel for the applicant, who submitted that an intermediate quantity was found. As far as the involvement of the present applicant is concerned, there is no material to show that he has kept the said material at the said pond. Now investigation is already completed, charge-sheet is already filed and further incarceration of the present applicant is not required.

4. Per contra, learned APP submitted that there are eye witnesses whose statements are recorded from which it reveals that it was the present applicant and the other co-accused, who have kept the said contraband at the said place.

5. After hearing both sides and on perusal of the investigation papers, admittedly, there are eye witnesses from whom it revealed that the present applicant has along with the other co-accused kept the contraband articles at the said pond. Their

statements are recorded. Thus, the involvement of the present applicant reveals in the commission of the crime. At the same time, the quantity which was found is an intermediate quantity and not a commercial quantity and therefore, the rigor under Section 37 of the NDPS Act will not attract. On perusal of the investigation papers, it reveals that the investigation is completed and the charge-sheet is filed. There are no criminal antecedents. Considering all these aspects, the application deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass following order:

ORDER

- (i) The application is allowed.
- (ii) The applicant **Santosh Gajanan Kamble** shall be released on bail in connection with Crime No.112/2024 registered with Police Station Pinjar, District Akola for the offence punishable under Sections 8(c), 20(b)(ii), 20(C) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, on executing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- (iii) The applicant shall attend the proceeding before the Special Court without seeking any exemption unless there are exceptional circumstances.
- (iv) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

(v) The applicant shall not indulge himself in similar types of the activities. On registration of the single offence, the bail granted to the present applicant deserves to be cancelled.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)