



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (BA) NO.869 OF 2025

(Wanmali Lahanu Jengathe Vs. State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. N.P. Singhania, Advocate for the applicant.
Mr. A.J. Gohokar, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- AUGUST 05, 2025.

By this application, the applicant is seeking bail as he came to be arrested on 23.06.2025 in connection with Crime No.240/2025 registered with Police Station Gadchiroli, District Gadchiroli for the offences punishable under Sections 8(c) and 20(B)IIA of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. The crime is registered on the basis of report lodged by the informant against the unknown person as the Ganja of 472 grams was found from the spot lying in one polythene bag. During investigation, the involvement of the present applicant is also revealed and during house search Ganja weighing 1.176 kg was recovered and seized from the house of the present applicant, and therefore, he was arrested. After following the mandatory provisions, the Ganja was seized and the present applicant was arrested, and therefore, he approached to this Court for grant of bail.

3. Learned Counsel for the applicant submitted that initially, the crime was registered against the unknown person. During investigation the house search of the present applicant was carried out and allegedly the said Ganja of 1.176 kg was recovered from the present applicant. He submitted that the allegation of seizure of the Ganja from his house is baseless. Moreover, the description which is mentioned in the FIR as well as the seizure panchnama is not within the definition of “Ganja” defined under the provisions of the NDPS Act. Considering the small quantity is recovered at the instance of the present applicant. The rigour under Section 37 of the NDPS Act will not attract. Now, investigation is practically completed, further incarceration of the applicant is not required. In view of that, he be released on bail.

4. Learned APP strongly opposed the application and submitted that the applicant was found in possession of 1.176 kg of the contraband articles. The samples are already obtained and forwarded to the analysis. The analysis report is yet to be received. In view of that and considering the charge-sheet is yet to be filed, the application deserves to be rejected.

5. On hearing both the sides and on perusal of the investigation papers it reveals that initially the report was lodged against the unknown person. During investigation, the name of the present applicant revealed,

and therefore, the house search was carried out. During house search the Ganja of 1.176 kg contraband was found in his possession. Thus, the inventory report though not showing the description but the seizure panchnama shows that it was along with the flowering or fruiting tops. The seizure panchnama shows the description of the contraband articles which was seized from the house of the present applicant that green dry leaves along with the dry flowers whereas the inventory report describes the description of the contraband articles to the extent of the material is dark green coloured and having mild smell like that of drugs. Thus, the inventory report nowhere discloses that it was along with the flowering or fruiting tops. The definition given in Section 2(b) and (c) of ganja is that 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. Thus, the definition of “Ganja” shows that it should be flowering or fruiting tops of the cannabis plant and leaves and seeds are excluded from the definition of Ganja. Though it is mentioned that it was along with the dried flowering tops but the inventory report nowhere discloses that it was along with the flowering or fruiting tops. Moreover, the quantity which was seized at the instance of the present applicant is a small quantity and which can be in the possession for his

personal use, and therefore, the rigour under Section 37 of the NDPS Act will not attract. Now, the investigation is practically completed; however, the charge-sheet is yet to be filed but considering the small quantity is found in his possession and the description is also not in view of the definition given under Section 37 of the NDPS Act, therefore, the applicant has made out a case for grant of bail. Accordingly, I proceed to pass the following order:

(i) The application is allowed.

(ii) The applicant – Wanmali Lahanu Jengathe in connection with Crime No.240/2025 registered with Police Station Gadchiroli, District Gadchiroli for the offences punishable under Sections 8(c) and 20(B)IIA of the Narcotic Drugs and Psychotropic Substances Act, 1985, be released on bail on executing P.R. bond of Rs.50,000/- with one solvent surety in the like amount.

(iii) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case in any manner either personally or by way of electronic media.

(iv) The applicant shall not indulge himself in similar type of the activities. A single registration of the offence would lead to the cancellation of bail.

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

6. The contravention of any of the condition imposed by this Court, would lead to the cancellation of bail.

7. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*