



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

CRIMINAL APPLICATION (BA) NO. 989/2025

Raju Sakharu Manjre Vs. State of Maharashtra

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

Court's or Judge's orders

Mr. Mohd. Amin Memon, Advocate for the Applicant.
Ms M. A. Barabde, A.P.P. for the Non-applicant/State.

CORAM : MRS.VRUSHALI V. JOSHI,J.

DATED : 08/10/2025.

. Heard.

2. The applicant is arrested in Crime No.378/2025 registered at Police Station Frezarpura, District Amravati for the offences punishable under Sections 20, 22, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (N.D.P.S. Act).

3. The case of the prosecution in brief is as under :

On 12.05.2025, on receiving secret information regarding selling of illegal ganja by the applicant at his residential house, the Superior Officer was informed and the raid was conducted. During the search about 4.370 kg. ganja was seized and after due compliance and process of law, the applicant was arrested. Thereafter, the report came to be lodged and the applicant was arrested on 12.05.2025 for being in possession of the 4.360 kg. of ganja.

4. The learned Counsel for the applicant has stated that as per the inventory, the green leaves are seized. As per Section 2(b) of N.D.P.S. Act., it does not come under the category of ganja. Only the leaves cannot come under the category of ganja. The quantity which the

police have seized is intermediate quantity. The applicant is in jail since 12.05.2025. There is no any criminal antecedent. The applicant has relied on the judgment of this Court in the case of ***Rakesh Ramprasad Jatav @ Yadav and Anr. Vs. State of Maharashtra [DLD(Cri)-2025-3840]***, wherein this Court has granted bail in absence of criminal antecedent and when the contraband is less than commercial quantity. In another case of *this Court Govindaprasad Amritlal Burman Vs. State of Maharashtra [2004 ALL MR (Cri) 635]*, it was determined that, if the quantity found is less than commercial quantity, there is no question of application of Section 37 of N.D.P.S. Act and the bail was granted. In ***Criminal Application (BA) No.941/2023 [Shabbir Shah s/o. Ghudu Shah Vs. The State of Maharashtra]***, on the basis of the quantity of the ganja, which is intermediate quantity, this Court has granted bail. The applicant has also relied on the order of this Court in ***Bail Application No.568/2021 [Raju Bhavlal Pawar and Ors. Vs. The State of Maharashtra]***, wherein provision under Section 42(1) and (2) of the N.D.P.S. Act is considered and granted bail.

5. The reliance is also placed on the order of this Court in ***Bail Application No.763/2024 [Sadique Farook Shaikh Vs. The State of Maharashtra]*** in support of his argument that it does not come under the definition of ganja. Hence, prayed to release the applicant on bail.

6. The learned A.P.P. has opposed the application stating that the offence is punishable up to ten years as per Section 22(b) of the said Act, it will be decided whether it comes under the definition of ganja. Since the quantity is

more than small and it is intermediate, the punishment is up to ten years. Hence prayed to reject the application.

7. Heard the learned Counsel for the respective parties.

8. As per the inventory, the leaves are seized from the residential house of the applicant. As per Section 2(b) of the said Act defines, ganja that is the flowering fruiting tops of the cannabins plant (excluding the seeds and leaves when not accompanied by the tops). In this case, the green leaves are seized. It does not come under the definition of ganja. There is no antecedent. Hence, as per the orders of this Court, the contraband is less than commercial quantity and, therefore, rigour of Section 37 of the N.D.P.S. Act will not attract.

9. Considering the orders on which the applicant has relied and as it is intermediate quantity, it does not come under the definition of ganja, the applicant needs to be released on bail. Accordingly, I proceed to pass the following order :

i] The criminal application is allowed.

ii] The applicant shall be released on bail in connection with Crime No.378/2025 registered at Police Station, Frezarpura, District Amravati for the offences punishable under Sections 20, 22, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (N.D.P.S. Act), on furnishing P.R. Bond of Rs.25,000/- with one solvent surety in the like amount.

iii] The applicant shall not in any way tamper with the prosecution evidence.

iv] The applicant shall not pressurize or threaten the prosecution witnesses.

v] The applicant shall attend the concerned police station on every Monday and Saturday between 1:00 p.m. to 2:00 p.m.

vi] The applicant shall co-operate the investigation officer.

The Criminal application is disposed of accordingly.

(MRS. VRUSHALI V. JOSHI, J.)