



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

CRIMINAL APPLICATION (BA) NO.995/2025

(Manoj S/o Wamanrao Mudrake and another Vs. State of Maharashtra, through Police Station Officer, Police Station Chandur Railway, Tq. Chandur Railway, Distt. Amravati)

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

Court's or Judge's orders

Mr. J.B. Kasat, Advocate for the applicants.
 Ms. M.A. Barabde, A.P.P for the non-applicant/State.

CORAM: MRS.VRUSHALI V. JOSHI, J.

DATED: 9.10.2025.

The applicants are arrested in Crime No.115/2025 for the offence punishable under Sections 8(c), 20(b)(ii)(c) and 29 of the N.D.P.S. Act.

2. On receiving secret information, the police led trap. The applicants were going on the motorcycle. On taking search, two bags were found containing Ganja leaves, cannabis and seeds of Ganja, cannabis fruiting tops, seeds, flowers and leaves having strong smell of Ganja. Out of two bags, one was containing 7.505 Kgs. of Ganja, while another bag was containing 7.435 Kgs. of Ganja. Hence, contraband was seized and sealed and the applicants were arrested. Police seized packets containing more Ganja total weighing 21.025 Kgs. worth Rs.4,20,500/- from the possession of these applicants.

3. Learned Advocate for the applicants has submitted that the applicants were not carrying Ganja. It was weighed along with leaves, seeds and stems, therefore, it is not a commercial quantity and, therefore, bail can be granted.

4. Learned Advocate for the applicants has relied on the judgment of this Court in Bail Application No.1599/2020 (Suresh Maruti Pawar

V/s. State of Maharashtra) wherein this Court has granted bail wherein Ganja was found along with pieces of stalks, stems, leaves and seed and they were not separated from Ganja. The other judgments on which the applicants have relied relate to commercial quantity.

5. The learned A.P.P. opposed the application by relying on the judgment of the Hon'ble Apex Court in case of *Hira Singh and another V/s. Union of India and another* reported in (2020) 20 SCC 272 wherein it is observed in para 12.2 as under:-

“12.2 In case of seizure of mixture of narcotic drugs or psychotropic substances with one or more neutral substance(s), the quantity of neutral substance(s) is not to be excluded and to be taken into consideration along with actual content by weight of the offending drug, while determining the “small or commercial quantity” of the narcotic drugs or psychotropic substances.”

6. The learned Advocate for the applicants has stated that after going through the inventory it appears that weight of the substance is increased after removing it from gunny bag. Initially, it was 7.385 Kgs. and after removing from gunny bag, its weight is shown as 7.480 Kgs. Therefore, the inventory itself is not reliable. Weight in it increased and it does not come under the definition of commercial quantity as it is along with leaves, seeds and plant tops.

7. Heard both sides and perused the record.

8. Considering the judgments on which the applicants have relied, the fact that Chemical Analyzer's Report is not on record and in inventory weight of the substance has increased after removing gunny bags, it creates doubt in the mind, if it not a commercial quantity then the applicants can be released on bail.

9. The learned Advocate for the applicants has submitted that the judgment in case of Hira Singh and another (supra) is for other narcotic drugs like MD Powder etc. The inventory which is signed by the Magistrate and there is difference in weight, therefore, case is made out to release the applicants on bail.

10. For the aforesaid reasons, the application is allowed.

i) Applicant- Manoj S/o Wamanrao Mudrake and Khelvindra S/o Rajaramji Itiwale be released on bail in Crime No.115/2025 for the offence punishable under Sections 8(c), 20(b)(ii)(c) and 29 of the N.D.P.S. Act, on their furnishing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with one solvent surety in the like amount.

ii) The applicants shall not in any way tamper with the prosecution evidence.

iii) The applicants shall not pressurize or threaten the prosecution witnesses.

iv) The applicants shall co-operate the investigation officer.

(MRS.VRUSHALI V.JOSHI, J.)