IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

933 BAIL APPLICATION NO. 2135 OF 2026

Sanket Sayaji Kolhe

….Applicant

VERSUS

The State Of Maharashtra

…..Respondent

…..

Ms. Sakshi Sanjay Dushing, Advocate for Applicant
Mr. D. J. Patil, APP for Respondent State

CORAM : HITEN S. VENEGAVKAR, J.

Dated : 31st October, 2026

PER COURT :-

1. Heard the learned Advocate for the applicant and learned APP for the State.

2. The applicant seeks regular bail in connection with his arrest in Crime No. 715 of 2026 registered with Shevgaon Police Station District Ahilyanagar for the offences punishable under sections 8(c), 20(b) of Narcotic Drugs and Psychotropic Substances Act. The applicant came to be arrested on 07.09.2026 and since then, he is in custody.

3. Admitted case against the applicant is that during search, quantity of contraband termed as Ganja is seized from the house of the father of the applicant. The quantity seized is admittedly 2 kg and some odd grams of Ganja in a Khaki Packet and 80 chili smoking chillums containing suspected residues along-with an electronic

weighing scale.

4. The learned Advocate for the applicant submits that the contraband that has been allegedly recovered form the house of the present applicant's father is less than commercial quantity prescribed under the Act. She, thus, argues that the allegations against the present applicant is that Ganja was stored in the house for the purpose of sale and therefore, the aforesaid provisions for which the offence is registered are attracted against the present applicant. She submits that in any event, the seized quantity, being less than the commercial quantity, the applicant deserves to be released on bail.

5. Per contra, the learned APP strongly objected the application and submitted that merely because the seized contraband is below the commercial quantity, there is no automatic right in favour of the applicant to get bail. He submits that the investigation is still in progress and the co-accused is absconding. The investigation pertaining to the primary stores of the contraband and the accomplices are yet to be apprehended and investigated. Thus, releasing the applicant prior to filing of charge-sheet would seriously prejudice the ongoing investigation.

6. I have perused the contents of the FIR and also the Investigation papers produced by the learned APP. It is an admitted position that the amount of Ganja that has been recovered from the house of the present applicant's father is 2 kg. 70 gm in one packet and 60 gm of Ganja in another packet. Thus, the seized quantity of the

Ganja is less than commercial quantity as prescribed under the Act. On enquiry, the learned Advocate as well as the APP submits that there are no criminal antecedents against the present applicant. In light of the aforesaid, I am inclined to allow the present application of the applicant and release the applicant on bail. Hence, the following order:

ORDER

(i) The Bail Application is allowed.

(ii) The Applicant- in connection with in Crime No. 715 of 2026 registered with Shevgaon Police Station District Ahilyanagar for the offences punishable under sections 8(c), 20(b) of NDPS Act, 1985, be released on bail on furnishing personal bond of **Rs.50,000/- (Rupees Fifty Thousand only)/-** with one or two sureties of the like amount.

(iii) The applicant the Investigating Officer every alternate Monday of the month till filing of charge-sheet and thereafter as and when required.

(iv) The applicant not to indulge in similar kind offence. If the involvement of the applicant in any subsequent offence is revealed, then the trial court will be at liberty to issue sue moto notice to the applicant for cancellation of the present bail. After hearing the applicant, the trial court can take appropriate decision on the cancellation of the applicant's bail.

(HITEN S. VENEGAVKAR, J.)

JPChavan