



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 1651 OF 2025

PREMDAS PANDURANG PAWAR
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Abhaykumar D. Ostwal
APP for Respondent : Mr. D. B. Bhange
...

CORAM : SACHIN S. DESHMUKH, J.

DATE : 18-02-2026

PER COURT:-

1. The applicant has approached this Court seeking regular bail in connection with Crime No.0394 of 2024, dated 12.11.2024 registered with Renapur Police Station, Latur, for the offence punishable under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985. The arrest of the applicant was effected on 12.11.2024. Upon completion of the investigation, the chargesheet is also filed.

2. The prosecution's case is that on 11.11.2024 at 10.00 a.m. the complainant/A.P.I. Crime Branch Latur received a confidential tip that the applicant was illegally cultivating cannabis plants for financial gain in his farm. The police authorities immediately responded to the information and conducted a raid on the specified location. Upon arriving at the scene, police confronted the applicant and inquired about permission for the said cultivation. The police then proceeded to uproot and seize the

illegal crop. A total of 130 green, wet cannabis plants were inventoried, complete with roots, weighing a collective 358.71 kilograms. Subsequently, the samples were taken and sent for chemical analysis. The cannabis plants ranging 3 to 5 feet in height, valued at approximately Rs.53,80,650/-, was recovered from the applicant's possession. Accordingly, report came to be lodged.

3. The learned counsel for the applicant submits that the applicant is falsely implicated and challenges the validity of the seizure. It is further submitted that the police have inflated the total weight by seizing all 130 plants with the accompanying soil, roots, leaves, and branches. Under Section 2(iii)(b) of the NDPS Act, "flowering and fruiting tops" are essential to classify material as 'ganja', which these plants allegedly lacked. Furthermore, the raid was conducted without following the due procedure, as police have uprooted the alleged plants from the sugarcane farm, raising doubts about the identification of the seized material. Hence, prayed to allow the application.

4. Learned A.P.P. has opposed the application and submitted that huge quantity of Ganja plants seized from the field in possession of the applicant. The seized contraband 358.71 kilograms is of commercial quantity. As such, there is *prima facie* complicity of the applicant and prayed to reject the application.

5. Upon considering the submissions of both sides and perusing the material on record, including the charge-sheet, indicates that the applicant is an agriculturalist who allegedly planted the alleged contraband alongside a sugarcane crop. The commercial quantity in relation to the NDPS Act is considered to be 20 kg or above. However, the expression 'ganja' specifically defines in Section 2(b) and (c) as the flowering and 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.

6. The expression 'ganja' makes it abundantly clear that it refers specifically to the flowering or fruiting tops of the cannabis plant, excluding the seeds and leaves when they are not accompanied by the tops.

7. In the present case, as is evident from the First Information Report (FIR), the seizure weighed 358.71 kilograms, which comprised the entire cannabis plants along with all other parts. There is no separate record available to indicate the specific quantity of only the flowering and fruiting tops, the precise components that legally constitute 'ganja' as defined under the Act (excluding seeds and leaves).

8. Therefore, at this juncture, *prima facie*, it remains doubtful whether the alleged offense falls under Section 20(b) of the NDPS Act. In view of the aforesaid circumstances, and in the absence of a distinct record quantifying solely the possession of the flowering tops, it is highly questionable whether the total quantity seized can reliably be regarded as exceeding the commercial quantity threshold.

9. In case of ***Laxman Shankar Ghankute Vs. State of Maharashtra (Criminal Bail Application No. 2583 of 2019)***, this Court on 23.06.2021 observed that because the seizure consisted of whole plants without a specific quantification of flowering tops, there was doubt as to whether the weight could be classified as "commercial quantity".

10. In view of the aforesaid reasons, the request of the applicant warrants consideration. Accordingly, the following order :-

ORDER

- (i) The bail application is allowed.
- (ii) Applicant, Premdas Pandurang Pawar, be released on regular bail on furnishing P.R. bond of Rs. 50,000/- (Rs.Fifty Thousand) with one or two local solvent sureties in the like amount, in connection with Crime No.0394 of 2024, dated 12.11.2024 registered with Renapur Police Station, Latur, for the offence punishable under Section 20 of the Narcotic

Drugs and Psychotropic Substances Act, 1985, on the following conditions :-

- (a) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts either to the Court or to any Police Officer.
 - (b) The applicant shall not tamper with the prosecution evidence in any manner and shall cooperate the learned Trial Judge in expeditious disposal of the trial against him.
 - (c) The applicant shall not indulge in similar type of offences in future.
 - (d) In case of breach of any of the conditions by the applicant, it is open for the Prosecution to move this Court seeking cancellation of bail.
- (iii) Needless to states that the observations rendered herein are to the extent of this application and the trial court shall not be influenced by the same.

[SACHIN S. DESHMUKH]
JUDGE