



IN THE HIGH COURT OF JUDICATURE OF BOMBAY

BENCH AT AURANGABAD

BAIL APPLICATION NO.2123 OF 2025

Karamsing Gyansing Pawara

... **APPLICANT**

VERSUS

The State of Maharashtra

... **RESPONDENT**

.....
Mr. Suniket A. Kulkarni, Advocate for applicant

Mrs. P.V. Diggikar, A.P.P. for respondent – State

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CORAM : SACHIN S. DESHMUKH, J.

DATE : 17th FEBRUARY, 2026

PER COURT :

1. The applicant seeks release on regular bail in connection with Crime No.131/2025, registered with Shirpur Taluka Police Station, District Dhule for the offences punishable under Sections 8(c), 20(b)(ii)(c), 22(c) of the Narcotic Drugs and Psychotropic Substances Act.

2. The prosecution case is that, on the basis of secret information that the applicant has kept contraband article dry Ganja

in his residential house situated in his field in Asrapani Shivar, a raid was conducted and when the team reached the spot, in the house situated in the field, the applicant started running seeing the police personnel. The police chased him and took into custody. On inquiry with him about the contraband article, he gave evasive replies. Therefore, on taking search of the house of the applicant, in presence of panchas, Ganja was found in 10 bundles and 10 gunny bags and 3 tin boxes, totally weighing 360 Kgs., valued at Rs.25,20,000/- approximately.

3. Learned counsel for the applicant submits that, there is no prima facie sufficient evidence to connect the applicant with the crime in question. The investigation is complete and charge sheet is filed. The muddemal is seized and further custody of the applicant is not warranted. The compliance of mandates of the NDPS Act are not complied with. As such, prayed to allow the application.

4. Per contra, learned A.P.P. vehemently opposed the application, contending that the offence is serious and 360 Kgs. of contraband article has been seized. Hence, prayed to reject the application.

5. Upon considering the submissions of both the sides and perusing the material on record, including the charge-sheet, indicates that, the applicant is apprehended by the police on the basis of secret information. During the raid, the police discovered that the applicant was in possession of 360 Kgs. of psychotropic substance. Consequently, the same were seized, samples were taken and sent for further analysis.

6. The Hon'ble Apex Court in case of **Prasanta Kumar Sarkar Vs. Ashis Chatterjee [(2010)14 SCC 496]**, has held that the mechanical grant of bail reflects non-application of mind, and outlined eight crucial factors to be considered, including reasonable ground for belief in guilt, nature of evidence and possibility of justice being thwarted.

7. Equally, the Hon'ble Apex Court in case of **State of UP through CBI Vs. Amaramani Tripathi [(2005) 8 SCC 21]**, has held that the Court must evaluate the *prima facie* evidence showing the applicant's involvement. If such evidence is credible and supports the accusations, bail may be refused. As stated earlier, the applicant was found in possession with the contraband.

8. The Honourable Apex Court in the case of **Mahipal Vs.**

Rajesh Kumar and Ors. (AIR 2020 SC 670) has laid down the principle that bail can be refused when the material produced by prosecution establishes a clear *prima facie* case. The Court should not conduct a mini-trial; it should only examine whether the available evidence links the accused to the alleged offence.

9. Considering the material available, a clear *prima facie* case is made out showing the involvement of the accused. Equally, the Hon'ble Apex Court has consistently reiterated that when considering bail application/s in serious offences, the Court must treat vital considerations like the nature of the charge and the nature of the evidence as paramount.

10. Similarly, the Hon'ble Apex Court in case of **Ram Govind Upadhyay Vs. Sudarshan Singh [(2002) 3 SCC 598]**, has held that a judicial discretion in granting bail must not be exercised whimsically, especially in heinous / serious offences.

11. Equally, the submissions put forth by the learned A.P.P. lends support to the observations rendered in **Narcotic Control Bureau Vs. Kashif (supra)**, wherein the Hon'ble Apex Court held that the lapse or delayed compliance of procedural irregularity with Section 52(a) would not entitle the accused to be enlarged on bail.

As such, the applicant cannot seek benefit of the same.

12. In the present case, the FIR indicates that 360 Kgs. of ganja was discovered. Similarly, the Certificate of Inventory issued under Section 52-A of the NDPS Act confirms that the aggregate weight of the psychotropic substance is 360 Kgs. Consequently, the Inventory Certificate indicates that the accused was in conscious possession of cannabis.

13. Prima facie, it appears from the record that, the contraband seized at the instance of the applicant exceeds the commercial threshold of 20 Kg. Given the massive scale of the seizure, the involvement of applicant in trafficking network is prima facie apparent. Consequently, relying upon aforesaid facts and principles, this Court does not find merit in the application.

14. The record indicating the presence of flowering or fruiting tops. Consequently, at this stage, the commission of offence appears to fall under Section 20(b) of the NDPS Act has taken place. Considering these circumstances, a prima facie case exists against the applicant.

15. In view of the aforesaid observations and having regard to the gravity of the offence, I do not find merit in the present

application and accordingly, the bail application is **rejected**.

(SACHIN S. DESHMUKH, J.)

fmp/-