



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2210 OF 2025

KALUSINGH TERSINGH PAWARA
VERSUS
THE STATE OF MAHARASHTRA

Advocate for Applicant : Mr. Chaitanya Deshpande
APP for Respondents-State : Mr. D. B. Bhange

CORAM : SACHIN S. DESHMUKH, J.

Date : 2nd February, 2026

ORDER :-

1. The applicant has approached this Court seeking regular bail in connection with FIR dated 03.04.2025 bearing Crime No. 207 of 2025 registered with Dhule Taluka Police Station, Dist. Dhule for the offences punishable under Sections 8(c), 20(b)(ii), 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. The prosecution case is that on 03.04.2025 approximately at 18:40 hours, the Police Authority executed a coordinated raid at the Shere Panjab Hotel, situated on the Mumbai-Agra Road. During the course of this raid, a vehicle bearing Registration No. MH-09-ZH-7970 was intercepted by the authorities. Upon conducting a search of the vehicle, several boxes sealed with white adhesive tape were discovered within the boot space.

3. It is further alleged that the authorities proceeded to open the boxes, which contained a substance consisting of half-dried leaves, seeds, and branches emitting a strong odour. The total weight of the seized material was confirmed to be 31.120 kg. Following the seizure and an initial inquiry, the police registered FIR No. 207 of 2025. The subsequent investigation into the recovery of the contraband resulted in the arrest of the applicant.

4. The learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime. It will be difficult to establish whether the alleged contraband falls within the meaning of "ganja" as contemplated under Section 2(iii) (b) of the NDPS Act. As such, the quantification has no basis, therefore, it can't be regarded as quantity exceeds commercial one.

5. The learned counsel for application further submits that investigation is complete and the charge-sheet has been filed. The applicant has been in continuous custody since arrest following the incident on 03.04.2025. Given that the trial is likely to take a considerable amount of time to conclude, further incarceration of the application is unjustified. There are no antecedent against applicant. As such, the counsel has prayed that the application be

allowed.

6. The learned APP vehemently opposed the application, submitting that the contraband seized on 03.04.2025 weighs 31.120 kg, which significantly exceeds the commercial quantity threshold of 20 kg. It is further submitted that the recovery was made from the boot space of vehicle No. MH-09-ZH-7970, establishing the applicant's conscious possession of the prohibited substance. The presence of half-dried leaves, seeds, and branches with a strong odour confirms the nature of the substance, and the procedural requirements of search and seizure were duly followed by the Police Authority at the scene. If the applicant is enlarged on bail, there is every possibility of tampering with the prosecution evidence and repeat the offence of similar nature. Hence, the learned APP prayed for rejection of the application.

7. Upon considering the submissions of both the sides and perusing the material on record, including the charge-sheet, While the prosecution alleges the seizure of 31.120 kg of contraband, the seizure memo explicitly describes the contents as "half-dried leaves, seeds, and branches." The commercial quantity in relation to NDPS Act for contraband which is over and above 20 kg. However, the expression 'ganja' defined 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.

8. The expression 'ganja' defined in the act 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.

9. In the present case, as is evident from the FIR, what was found 31.120 kgs substance consisting of half-dried leaves, seeds, and branches emitting a strong pungent odour. Since the total weight includes a significant amount of excluded material, there is a reasonable doubt as to whether the actual contraband meets the "commercial quantity". In these circumstances, prima facie, it is doubtful whether quantity can be said to be commercial one.

10. There is no separate record to indicate that the quantity of flowering plants. Therefore, at this juncture, it would be doubtful whether the offence would be falling under Section 20(b) of the NDPS Act. In view of the aforesaid circumstances and in absence of record in respect of cultivation of flowering tops, it is doubtful whether quantity seized can be regarded as exceeding the

commercial quantity.

11. In view of the aforesaid reasons, the request of the applicant warrants consideration. The apprehension expressed by the learned APP regarding tampering with the prosecution evidence and the possibility of a repetition of the crime, can be adequately taken care of by imposing stringent conditions.

12. Accordingly, the following order :-

ORDER

- (I) Application is **allowed**.
- (II) Applicant – Kalusingh Tersingh Pawara, be released on regular bail on furnishing P.R. bond of Rs. 50,000/- (Fifty Thousand Only) with one or two local solvent sureties in the like amount, in connection with Crime No. 207 of 2025 registered with Dhule Taluka Police Station, Dist. Dhule for the offences punishable under Sections 8(c), 20(b)(ii), 20(b) 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, J.)

Omkar Joshi