



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2220 OF 2025

SAGAR MAHADEV MORE
VERSUS
THE UNION OF INDIA

Advocate for Applicant : Mr. Joyeb I. Shaikh
APP for Respondents-State : Mr. C. V. Bhadane
Dy.SGI for Respondent-Union : Mr. Ajay G. Talhar

CORAM : SACHIN S. DESHMUKH, J.

Date : 20th January, 2026

ORDER :-

1. The applicant has approached this Court seeking regular bail in connection with FIR bearing Crime No. F.NO.NCB/MZU/CR-12/2024 registered in The Court of Districts and Sessions Court at Ahmednagar for the offences punishable under Sections 8(c) read with Sections 20(b)(ii), 28, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. The prosecution case is that, on 22.06.2024, the informant (complainant) received a confidential tip. The information alleged that four individuals, including the present applicant, were transporting a substantial quantity of ganja / marijuana in a grey Toyota (MH-04-ET-2345) and a Maruti Suzuki

Swift Dzire (MH-04-DW-4947). It was further alleged that the individuals had procured the ganja from Brahmapur, Odisha, and intended to deliver it to an associate in Uruli Kanchan, Pune.

3. Acting on this intelligence, a raid was conducted on 23.06.2024 at Karanji Nagar, in front of the Hotel Bandhuprem on Pathardi Road. The accused persons, including the present applicant, were arrested during the operation. Authorities successfully seized a total of 111 kilograms of the dry flowering and fruiting tops of cannabis (ganja). Accordingly, the FIR came to be lodged.

4. The learned counsel for the applicant submits that it will be difficult to establish whether the alleged contraband falls within the meaning of "ganja" as contemplated under Section 2(b) of the NDPS Act. According to the learned counsel, the investigation is complete and the charge-sheet has been filed. Since the trial is likely to take time and as such, there is no flight risk, the learned counsel has prayed that the application be allowed.

5. The learned APP and the learned Dy.SGI opposed the application, submitting that the applicant found in possession of

contraband. Considering that the weight of the seized contraband exceeds the "commercial quantity" defined under the NDPS Act, as such, prayed for rejection of the application.

6. Upon considering the submissions of both the sides and perusing the material on record, including the charge-sheet, the quantity of Ganja seized in the present case is 111 kilograms, which significantly exceeds the "commercial quantity" threshold of 20 kilograms prescribed under the NDPS Act. This Court *prima facie* is not satisfied that there are reasonable grounds to believe the applicant is not guilty of the offence, nor convinced that the applicant will not commit further offences if released.

7. Admittedly, the case originates from the allegation that the accused were found in possession of ganja. Upon receiving secret information regarding individuals carrying dried contraband, the complainant conducted a raid and discovered the contraband. A total of 111 kg of ganja (muddemal) was seized, leading to the arrest of the applicant.

8. Equally, the Honourable 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.

9. 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.

10. 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.

11. 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.

12. 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.

13. Equally, the submissions putforth by the learned A.P.P. lends support to the observations rendered in **Narcotic Control Bureau Vs. Kashif (supra)**, wherein the Honourable 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 being a transporter cannot seek benefit of the same.

14. In the present case, the complaint indicates that 111 kg of contraband was recovered. There is *prima facie* evidence on record indicating the presence of flowering or fruiting tops. Consequently, at this stage, the offence appears to falling under Section 20(b) of the NDPS Act. 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 does not warrant consideration. Resultantly, the same stands **rejected**.

(SACHIN S. DESHMUKH, J.)

Omkar Joshi