



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

BAIL APPLICATION NO. 2449 OF 2025

YUSUF AKABAR TADVI
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Aakash V. Bagal,
Mr. Suraj G. Dhormare
APP for Respondents : Mr. C. V. Badhane
...

CORAM : SACHIN S. DESHMUKH, J.

DATE : 17-01-2026

PER COURT:-

1. The applicant has approached this Court seeking regular bail in connection with Crime No.0424 of 2025 dated 09.10.2025 registered with Raver Police Station, Taluka Raver, District Jalgaon, for the offence punishable under section 20(b)(ii) (C) and 8(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. The prosecution's case is that on October 9, 2025, police received a confidential information that the applicant was illegally cultivating cannabis plants for financial gain in the 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 172 green, wet cannabis plants, complete with roots, weighing a collective 171.07

kilograms were put to inventory. Subsequently, the samples were sent for chemical analysis. The remaining bulk, consisting of 167.53 kilograms of cannabis plants ranging from 2 to 5 feet in height, valued at approximately Rs.17,10,700/-, 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 172 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 farm alongwith other crop, 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 admeasuring 167.53 kg 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 contraband alongside a Tur (pulses) 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' as defined under 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.

7. In the present case, as is evident from the First Information Report (FIR), the seizure weighed 167.53 kg, which constituted the entire cannabis plants along with all other parts, including roots. 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' under the Act (excluding seeds and leaves).

8. Therefore, at this juncture, it remains doubtful whether the alleged offense properly 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. In any case, the same would be subject matter of trial.

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) Bail Application is allowed.
- (ii) Applicant – Yusuf Akabar Tadvī, 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.0424 of 2025 dated 09.10.2025 registered with Raver Police Station, Taluka Raver, District

Jalgaon, for the offence punishable under section 20(b)(ii) (C) and 8(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.]