



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2451 OF 2025

BHOJU SURESH PAWAR
VERSUS
THE STATE OF MAHARASHTRA

Advocate for Applicant : Ms. Karishma Sarin
APP for Respondents-State : Mr. C. V. Bhadane

CORAM : SACHIN S. DESHMUKH, J.

Date : 6th January, 2026

ORDER :-

1. The applicant has approached this Court seeking regular bail in connection with FIR dated 17.11.2025 bearing Crime No. 475 of 2025 registered with Amalner Police Station, Dist. Jalgaon for the offences punishable under Sections 8, 20 and 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. The prosecution case is that on 17.11.2025, Sub-Divisional Police Officer Vinayak Kote received information that an individual was transporting cannabis (Ganja) on a motorcycle (registration No. MH-18-CD-7326) from Nandgaon toward Amalner. This information was relayed to Police Constable Ganesh Kishor Patil, who then proceeded to the location with a team comprising

panch witnesses, a photographer, and a weigher. The team conducted a raid near village Tambepura and intercepted a person traveling on the identified motorcycle. The individual was found carrying a white gunny bag which, upon inspection, was found to contain 10.590 kg of Ganja. The contraband and the motorcycle were seized under a Panchanama in the presence of witnesses. Following this, Constable Ganesh Patil lodged a formal complaint, leading to the arrest of the applicant/accused, who is currently in judicial custody.

3. The learned counsel for the Applicant submits that the applicant is falsely implicated in the crime. The alleged quantity seized is only 10 kg and 590 grms. As such, the same cannot be regarded as commercial one. It is contended that the investigation is almost complete and nothing is to be recovered or discovered at the instance of applicant. Thus, further incarceration of the application is unjustified. Hence, prayed to allow the application.

4. The learned APP for the Respondent-State strongly opposes the application and submits that the applicant is involved in a serious offence. It is contended that the provisions of the NDPS Act are also attracted in the present case. Th learned APP

further expressed the apprehension that if is enlarged on bail, he may influence or pressurize the prosecution witnesses and may tamper with the prosecution evidence. As such, prayed to reject the application.

5. Considering the submission of both the sides and upon perusal of the material on record, particularly the Inventory Report indicates that the alleged contraband seized weighs for about 10 kg 590 grms which includes seeds, tops and leaves. 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. Therefore, the same cannot be *prima facie* regarded as ganja as contemplated under the NDPS Act.

6. The seized quantity of 10.590 kg remains significantly below the commercial threshold for Ganja. The presumption under Section 35 of the NDPS Act regarding a culpable mental state is not absolute at the stage of bail; it requires the establishment of foundational facts which are yet to be proven in trial. As the recovery is already effected and the applicant has a clean criminal record, the rigors of the Act should be balanced against the

applicant's right to liberty.

7. In the aforesaid backdrop, the investigation is almost complete. As such, further detention of the applicant as an under trial prisoner, in the circumstances of the case does not seem to be either warranted or justifiable. I am, therefore, persuaded to exercise the discretion in favor of the applicant.

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

ORDER

- (I) Application is **allowed**.
- (II) Applicant – Bhoju Suresh Pawar 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. 475 of 2025 registered with Amalner Police Station, Dist. Jalgaon for the offences punishable under Sections 8, 20 and 22 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