



IN THE HIGH COURT OF JUDICATURE OF BOMBAY

BENCH AT AURANGABAD

BAIL APPLICATION NO.181 OF 2026

Dhavliram s/o Barku Charawande

... **APPLICANT**

VERSUS

The State of Maharashtra

... **RESPONDENT**

.....
Mr. V.S. Wakale, Advocate for applicant

Mr. A.R. Kale, A.P.P. for respondent – State
.....

CORAM : SACHIN S. DESHMUKH, J.

DATE : 17th FEBRUARY, 2026

PER COURT :

1. The applicant seeks release on regular bail in connection with Crime No.659/2025, registered with Ambad Police Station, District Jalna for the offences punishable under Section 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act.

2. The prosecution case is that, on the basis of secret information received by the Police Station, in land Gat No.787, situated at village Kauchalwadi, Ganja like trees were found to

have been seen along side the cotton and Toor crop, in which the applicant was found, who on inquiry, told that the field belongs to him. The leaves of the Ganja trees were found to have been kept so as to dry the same and the Ganja trees were seen cut aside. Some Ganjaa trees were seen standing in the field totally weighing 350.585 Kgs.

3. Learned counsel for the applicant submits that, the applicant has been falsely implicated in the case and there is no supporting evidence about cultivation by the applicant. All the prosecution witnesses are Government servants. The quantification is is improperly done. The investigation is almost complete and as such, further custody of the applicant is unwarranted. As such, prayed to allow the application.

4. Per contra, learned A.P.P. vehemently opposed the application, contending that, huge quantity of the contraband article has been found and the offence is serious. Charge sheet is yet to be filed. Therefore, the applicant does not deserve to be released on bail.

5. Upon considering the submissions of both sides and

perusing the material on record, including the charge sheet, indicates that the applicant is an agriculturist who planted the alleged contraband alongside Cotton and Toor 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: 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 F.I.R., the seizure weighed 350.585 Kgs., which constituted the entire cannabis plants in its entirety. There is no separate record available to indicate the specific quantity of only the flowering and fruiting tops, the precise components legally constitute “Ganja”

under the Act (excluding seeds and leaves).

8. Therefore, at this juncture, it remains doubtful whether the alleged offence properly falls under Section 20(b) of the NDPS Act. In view of the aforesaid circumstances, and in absence of a distinct record quantifying solely the possession of the flowering tops, prima facie, it is highly questionable whether the total quantity seized can reliably be regarded as exceeding the commercial quantity threshold.

9. In case of **Laxman Shankar Ghankute Vs. State of Maharashtra (Criminal Bail Application No.2583 of 2019)**, this Court, on 23/6/2021, 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. Further, the applicant is old aged agriculturist and suffering from venereal disease and serious fungal contagious disease, which is an infectious illness caused by germs, which spreads easily from person to person through direct contact, shared objects or airborne droplets like common cold, flue, COVID-

19 or measles, requiring hygiene and sometimes vaccines to prevent outbreaks.

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

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant Dhavliram Barku Charawande be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand) with one solvent surety of the like amount in the above crime, on the conditions that :
 - (a) The applicant shall not tamper with the prosecution witnesses in any way.
 - (b) The applicant shall remain present on each date, unless exempted by the trial Court.
- (iii) Needless to state that, the observations rendered herein are confined to the present application, and the trial Court shall decide the trial on its own merits and in accordance with law.

(SACHIN S. DESHMUKH, J.)

fmp/-