



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

BAIL APPLICATION NO. 292 OF 2026

Kakasaheb Nana Vetral,
Age : 85 Years, Occu. : Nil,
R/o Jaitkheda, Tq. Kannad,
Dist. Aurangabad.

.. Applicant

Versus

The State of Maharashtra

.. Respondent

Shri Dhananjay S. Patil, Advocate h/f Mrs. Sunita R. Shinde,
Advocate for the Applicant.

Shri N. R. Dayma, A.P.P. for the Respondent – State.

CORAM : SHAILESH P. BRAHME, J.
DATE : 16TH APRIL, 2026.

FINAL ORDER :

. Heard both sides. Applicant is seeking enlargement on bail in respect of offence bearing Cr. No. 374/2025 registered with Pishor Police Station, Tq. Kannad, Dist. Chh. Sambhajinagar for the offences punishable U/Sec. 20(b)(i), 20(b)(ii), 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for the sake of brevity and convenience hereinafter referred as to the “N.D.P.S. Act”).

2. It is alleged that applicant is cultivating land gut No. 215 situated at Jaitkheda, Tq. Kannad, Dist. Chhatrapati Sambhajinagar. A secrete information was received that he was

cultivating the plants of cannabis. A raid was arranged on 16.10.2025. He was apprehended on the spot. The statutory formalities were completed. He was found to be cultivating contraband cannabis. The contraband admeasuring 150 Kg comprising of 121 bushes were seized. Further procedure was completed. He was arrested on 17.10.2025.

3. Learned counsel for the applicant submits that the cannabis plants seized during the raid are not covered by Sec. 2(ii)(b) of the N. D. P. S. Act. There was no segregation of flower fruiting top from the leaves. There is non compliance of Sec. 50 and 42 of the N. D. P. S. Act. The inventory was conducted on 20.11.2025 belatedly and thereafter the samples were referred to forensic laboratory. There is violation of Sec. 52(A) of the N. D. P. S. Act. The samples were collected only from six bags out of fourteen bags. The acknowledgment of the applicant on notice U/Sec. 50 of the Act is disputed.

4. Per contra, learned A. P. P. submits that due procedure of law was undertaken and the raid was conducted. There was proper compliance of Sec. 42, 50, 52 and 52(A) of the N. D. P. S. Act. Applicant has disputed the acknowledgment of notice U/Sec. 50 of the Act for the first time when he had opportunity to raise the grievance. Applicant is caught raid handed. The record reveals that entire plant including flower fruiting top, green leaves and stem were seized, which amounts to ganja.

5. There is no dispute that applicant is apprehended at land gut No. 215. He was found to have been cultivating 121 cannabis plants, which were seized on the spot. He was apprized of his right U/Sec. 50 of the N. D. P. S. Act. The notice served upon him U/Sec. 50 of the Act bears his acknowledgment. No grievance is raised by him either before Magistrate or on earlier occasion challenging the acknowledgment. He is estopped from disputing it for the first time. I find that there is sufficient compliance. The reliance is placed on the judgment of this Court in the matter of Sholadoye Samuel Joy Vs. State of Maharashtra reported in *(2022) 2 AIR Bom R (Cri) 13*. The facts are distinguishable. This ratio also cannot be made applicable.

6. Applicant has raised grievance in respect of not conducting inventory in time and not referring the samples within stipulated period to the forensic laboratory. A reliance is placed on the judgment of the Delhi High Court in the matter of Tamir Ali Vs. Narcotics Control Bureau reported in *2023(2) Drugs Cases (Narcotics) 791*. It is useful to refer to the judgment of the Supreme Court in the matter of Narcotics Control Bureau Vs. Kashif report in *(2024) 11 SCC 372* in which it is laid down that the compliance of Sec. 52(A) of the Act would be the matter of trial. Its non compliance would not render the arrest illegal. Relying on paragraph No. 50 of the judgment, I find no merit in the submission of the learned counsel in respect of non compliance of Sec. 52(A) of the Act.

7. The record reveals that before conducting raid due

intimation was given to the Assistant Superintendent of Police, Kannad seeking his permission. After completion of the raid, immediately the compliance report was submitted to him. I find sufficient compliance of Sec. 42 of the N. D. P. S. Act. Therefore, the judgments of the Coordinate Bench in the matter of Raju Bhavlal Pawar and others Vs. State of Maharashtra reported in *2021 DGLS (Bom.) 2057* would be of no avail to the applicant.

8. Applicant is found to have been cultivating huge quantity of contraband, 150 Kg. He is apprehended raid handed. There is presumption U/Sec. 54 of the N. D. P. S. Act. In that view of the matter the bar engrafted U/Sec. 37(1)(b) of the N. D. P. S. Act is attracted. The applicant is not entitled to be enlarged on bail.

9. Bail application is rejected.

[SHAILESH P. BRAHME J.]

bsb/April 26