



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 407 OF 2026

RAMESHWAR TRIMBAK BAMNAT

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Abhaysinh K. Bhosle.

APP for Respondent/s-State : Mr. N. R. Dayma.

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WITH

BAIL APPLICATION NO. 561 OF 2026

ANAND PRATAP JARWAL

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Kale Datta Sundarrao.

APP for Respondent/s-State : Mr. N. R. Dayma.

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CORAM : SHAILESH P. BRAHME, J.

DATE : 07.04.2026

FINAL ORDER :-

1. Heard both sides.
2. The applicants are seeking bail in respect of offence bearing Crime No.334 of 2025, registered with Pachod Police Station, District Chh. Sambhajinagar Rural, for the offences punishable under Sections 8(c), 20(b)(ii) of N. D. P. S. Act.

3. Applicants were arrested on 29.08.2025. Charge-sheet is filed on 08.12.2025. In this backdrop, they are praying for enlargement on bail.

4. It is reported that the applicants and other persons were possessing contraband article *Ganja* in land Gut No.126 of Dabhrul. Accordingly, due preparations were made for the raid and it was conducted on 28.08.2025. Applicants were apprehended at the spot and the contraband articles were found stored in four rooms situated in the field. The total quantity of 67.500 kg of *Ganja* was found. It is alleged that applicants and other co-accused were selling the contraband.

5. Learned counsels appearing for the applicants have placed reliance on various judgments to point out that the contraband seized are not having the flowering and fruiting tops of cannabis plant. They were comprising of seeds and leaves which cannot be treated to be *Ganja*. Reliance is placed on the order of Co-ordinate Bench passed on 20.02.2026 in Bail Application No.256 of 2026 releasing co-accused Meet Shyam Vaishnav on bail.

6. Learned APP would submit that huge quantity has been seized in the raid and due procedure of law is followed. It would be matter of trial to go into as to whether the seized

article is contraband or not. The reliance is placed on the judgment of *Hira Singh and another Vs. Union of India ; (2020) 20 SCC 272*.

7. I have gone through the order passed by the Co-ordinate Bench in the matter of co-accused Meet Shyam Vaishnav. The identical allegations are levelled against him. Considering the definition of *Ganja* as provided in the N.D.P.S. Act it was recorded that seizure of 67.5 kg without there being any separate record regarding quantity of flowering and fruiting top would raise the suspicion. It is recorded that in the absence of distinct record quantifying the possession of flowering or fruiting top, the quantity seized cannot be held to be contraband *Ganja*. I propose to accept the same reasons and the course as is done by Co-ordinate Bench.

8. In the present case, the papers of the investigation do not suggest any segregation of flowering or fruiting top of cannabis plant. What is seized is comprehensive greenish leaves, flowers and seeds. Applicants are also entitled to enlarge on bail because they are behind bars since 29.08.2025.

9. A Co-ordinate Bench has taken a view in enlarging the co-accused on bail. It would be in interest of justice to grant similar relief to the applicants. The purport of the judgment

cited by learned APP in *Heerasingh (supra)* can be dealt with during the course of trial. I, therefore, pass the following order :

ORDER

- (i) Bail Applications are allowed.
- (ii) Applicants **RAMESHWAR TRIMBAK BAMNAT** and **ANAND PRATAP JARWAL** shall be released on bail in Crime No.334 of 2025, registered with Pachod Police Station, District Chh. Sambhajinagar Rural, for the offences punishable under Sections 8(c), 20(b)(ii) of N. D. P. S. Act on furnishing P. R. bond of Rs.50,000/- (Rupees fifty thousands only) each with one solvent surety of like amount each on the following conditions :
 - (a) The applicants shall not pressurize the prosecution witnesses and tamper with the prosecution evidence, in any manner.
 - (b) The applicants shall attend the trial on each and every date unless exempted by the Trial Court and shall not leave the area of jurisdiction of the concerned Police Station till conclusion of the trial.

- (c) The applicants shall submit Aadhar Card and PAN Card to the Investigating Officer and detailed address and phone numbers of the applicants and two of the near relatives.
 - (d) In case of breach of any of the conditions by the applicants, it is open for the prosecution to move concerned Court seeking cancellation of bail.
- (iii) Bail applications are disposed of accordingly.

(SHAILESH P. BRAHME, J.)

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vmk/-