



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

948 BAIL APPLICATION NO. 989 OF 2026

1. LIMBRAJ PANDURANG LOMTE

2. RAMHARI NAMDEV LOMTE

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Applicants : Mr. Deshmukh Vivekanand B.

APP for Respondent/State: Mr. D. J. Patil

...

WITH

BAIL APPLICATION NO. 1020 OF 2026

BUBASAHEB NARHARI LOMTE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicants : Mr. Kawade Shrikant G.

APP for Respondent/State: Mr. D. J. Patil

...

CORAM : SACHIN S. DESHMUKH, J.

Date : 10.06.2026

ORDER :-

1. The applicants have approached this Court seeking regular bail in connection with FIR dated 17.02.2026 bearing Crime No. 43 of 2026 registered with Dhoki Police Station, Taluka and District Dharashiv for the offences punishable under Sections 8(b) and 18 of the Narcotic and Psychotropic Substance Act, 1985.

2. The learned counsel for the applicants submits that the applicants are old aged persons and are falsely implicated in the crime. Considering the nature of recovery, it would be difficult to establish whether the alleged contraband falls within the meaning of "ganja" as contemplated under Section 2(b) of the NDPS Act. The investigation is complete and the charge-sheet has been filed. Since the trial is likely to take time, and the applicants are agriculturist, as such, there is no flight risk, the counsel has prayed that the application be allowed.

3. The learned APP vehemently opposed the application, submitting that the applicants cultivated contraband in the agricultural land for financial gain and the same is seized by the investigating agency. As such, there is complicity of the applicants in the crime. Hence, prayed to reject the application.

4. Upon considering the submissions of both the sides and perusing the material on record, including the charge-sheet, the learned JMFC has prepared the Inventory Certificate. The commercial quantity in relation to NDPS Act for ganja is considered over and above 20 kg. 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), 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.

5. 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.

6. In the present case, as is evident from the FIR, the alleged 82.830 kgs of ganja is weighed in its entirety i.e. the whole plants were collected and weighed on the spot. Equally, the Certificate of Inventory in respect of seized muddemal as per Section 52(A)(3) of NDPS Act indicates that the gunnies were containing alleged ganja plants with leaves of greenish colour and flowers. Thus, the Inventory Certificate indicates that the weight was measured of the entire plant. In these circumstances, prima facie, it is doubtful whether quantity can be said to be commercial one.

7. There is no record to indicate the weight of flowering plants and fruiting tops. Therefore, at this juncture, it would be doubtful whether the offence would be falling under Section 20(b) of

the NDPS Act. In view of the aforesaid circumstances and in absence of record in respect of cultivation of flowering tops, it is doubtful whether quantity that was seized can be regarded as exceeding the commercial quantity.

8. Furthermore, both the applicants are over the age of 75 years and are agriculturists. The investigation is complete and the charge-sheet is filed. The applicants have no criminal antecedents. As such, further incarceration of the applicants is unwarranted and can be released on bail by imposing stringent conditions. Accordingly, the following order :-

ORDER

- (I) Applications are **allowed**.
- (II) Applicants – LIMBRAJ PANDURANG LOMTE, RAMHARI NAMDEV LOMTE, BUBASAHEB NARHARI LOMTE be released on regular bail on furnishing P.R. bond of Rs. 50,000/- (Fifty Thousand Only) each with one or two local solvent sureties in the like amount each, in connection with Crime No.43 of 2026 registered with Dhoki Police Station, Taluka and District Dharashiv for the offences punishable under Sections 8(b) and 18 of the Narcotic and Psychotropic Substance Act, 1985, on the following conditions :-

- (a) The applicants 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 applicants 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 applicants shall not indulge in similar type of offences in future.
 - (d) In case of breach of any of the conditions by the applicants, 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.)

marathe