



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

947 ANTICIPATORY BAIL APPLICATION NO. 497 OF 2026

Babasaheb Pandharinath Waghmare,
Age; 69 years, Occ; Agriculture,
R/o; Pangaon, Tq. Kallamb,
Dist. Dharashiv (Osmanabad)

...APPLICANT

VERSUS

1. The State of Maharashtra,
Through Officer in Charge,
Police Station Yermala,
Dist. Dharashiv (Osmanabad).

2. The Superintendent of Police,
Dharashiv (Osmanabad),
District Dharashiv (Osmanabad).

...RESPONDENTS.

...
Advocate for Applicant : Mr. Shrikant G. Kawade And Legal
Associates
APP for Respondents/State : Mr. P.D.Patil.
...

CORAM : MEHROZ K. PATHAN, J.
DATE : 01.04.2026.

PER COURT :

1. The applicant approached this Court seeking anticipatory bail in connection with the Crime No. 37 of 2026, registered with Yermala Police Station, District Dharashiv, for the offence punishable under Sections 8-C & 18-C of the Narcotic Drugs and Psychotropic Substances Act, 1985, (for short "the N.D.P.S. Act").

2. On 14.02.2026 Police staff from police station Yermala

visited to village Pangaon. After receiving information that one person has sown opium-poppy in his agricultural land. They visited the said land and found plants of opium. It was mentioned that said land is owned by accused Babasaheb Pandharinath Waghmare. Information was given to the Additional Superintendent of Police and S.D.P.O. Kallam. API Shri Bhalerao, Yermala Police station received permission for taking action against the accused, who called panchas, photographer and weighing machine and visited to the spot of incident. The plants were uprooted and measured on weighing machine and the weight was found as 4.705 Kilograms. Forensic team examined the samples and confirmed that it is a opium-poppy. The remaining muddemal has been seized in presence of panchas. They have recorded procedure of panchanama. Accused/applicant found illegally possessing of opium-poppy, therefore, offence is registered against him.

3. The learned counsel for the applicant submits that the applicant was not even present on the spot and was falsely roped in the present crime. The quantity seized is a small quantity. The applicant is falsely roped in the present crime on the statements of the persons found on the spot, who are the joint owners of Survey No. 141/b/4. The applicant is not having any criminal antecedents and ready to abide any of the conditions imposed by this Court,

hence prayed to release the applicant on bail.

4. As against this, the learned APP strongly opposed the application on the ground that the applicant is involved in the present crime, alleged of cultivating camabis, punishable under the Narcotic Drugs and Psychotropic Substances Act, 1985. The offence is serious in nature and hence, custodial interrogation of the applicant is necessary in the present crime, as the applicant is absconding since the date of the registration of the crime and the investigation cannot not be completed without custodial interrogation of the applicant.

5. I have gone through the investigation papers made available by the learned APP. The investigation papers would show that crime is registered upon secret information given in respect of cultivation of opium plants in the agricultural field after conducting the raid. The said opium plants were seized from the agricultural field jointly owned by the present applicant. The persons found on the spot informed that it is the applicant who had cultivated the said plants in his agricultural field. One Kashinath Waghmare who appears to be the real brother of the applicant /accused and who is also joint owner of Survey No. 141/b/4 is the person found on the spot and was served with a notice under Section 50 of the NDPS Act. Kashinath and Pandharinath Waghmare who are the real brothers of

the applicant are not even added as an accused in the aforesaid crime, even though they are also joint owners shown in the 7/12 extract collected by the Investigating Officer in the investigating papers.

6. Be that as it may, the applicant is arrayed as accused on the statement of joint owners of the agricultural land where the Ganja was allegedly cultivated. The quantity seized from the spot is already sent to the Forensic Expert for obtaining his report/opinion. The quantity of seized contraband is not a commercial quantity which would require to recording of twin conditions satisfaction as mandated under Section 37 of the NDPS Act for commercial quantity. The applicant is not having any criminal antecedents and the apprehension of the learned APP that the applicant may commit similar offences can be taken care of by imposing certain conditions. Hence, I am inclined to extend the discretion under Section 482 of the Bhartiya Nyaya Sanhita. Hence the following order :

ORDER

(1) In the event of arrest of the Applicant Babasaheb Pandharinath Waghmare in connection with Crime No. 37 of 2026 registered with Yermala Police Station, District Dharashiv, for the offences punishable under Sections 8-C and 18-C of the Narcotic Drugs and Psychotropic Substances Act, 1985, he be released on bail on furnishing P.R. bond of Rs.50,000/- (Rupees Fifty Thousands) with two solvent sureties in the like amount, on the following conditions :

(i) The Applicant are directed to attend Yermala Police Station, District Dharashiv on 8th 9th 15th 16th 22nd and 23rd of April, 2026, in between 11:00 am. to 01:00 p.m. and co-operate with the Investigating Officer and thereafter present himself as and when called by the Investigating Officer till filing of the charge-sheet.

(ii) The Applicant is directed not to tamper with the evidence and shall not threaten the complainant or the witnesses or commit similar crime.

(iii) The Applicant shall attend the Police Station/trial on each and every date unless so exempted by the trial on emergency conditions.

(iv) The Applicant shall submit his alternate address his Aadhar and PAN Cards to the Investigating Officer and detailed address and phone numbers of himself and two of the near relatives.

(v) A single violation of the aforesaid conditions, would entitle the prosecution to seek cancellation of bail of the Applicant on that ground.

2. With the aforesaid directions, the application is disposed of.

(MEHROZ K. PATHAN, J.)