

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLN. NO. 87 OF 2026

Sunil Babu Londhe
VERSUS
The State Of Maharashtra And Anr.

...

Mr. Kuldeep U Nikam, Advocate for Petitioner
Mr. Nitin B. Patil APP for the State

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CORAM : SACHIN S. DESHMUKH, J.
DATE : 11th MARCH 2026.

P.C.

1. The applicant seeks regular bail in connection with C.R. No. 419/2025 dated 29/08/2025 registered with Tasgaon Police Station, District Sangli for offences punishable under Sections 8(b), 20(b)(ii) and 20 of The Narcotics Drugs and Psychotropic Substances Act, 1985 ('NDPS Act').

2. As per prosecution case, on 29.08.2025 Tasgaon Police Station received secrete information that, applicant had unlawfully cultivated contraband substance i.e. Ganja in his farm. Police Inspector conveyed the information to the informant and other police for to conduct raid. Written intimation was also given to Sub. Divisional Police Officer. Accordingly, informant and other police

personnel, witness, photographer and weighing machine and owner were in the agricultural land belonging to the applicant. They found applicant present at his residence situated within his own agricultural land. They observed that, applicant had cultivated Ganja plants. Police have seized 32 ganja plants of 3 to 5 ft height weighing 40 kg with estimating value of Rs.4,03,100/-.

3. Learned counsel for the applicant submits that the applicant is agriculturist and is falsely implicated in the crime. The cultivation of the seized quantity is de hors the statutory provision as expression 'Ganja' is defined under section 2 (iii)(b) (c) of the NDPS Act.

4. *Per contra*, learned APP has opposed the application submitting that the applicant was found cultivating the prohibited contraband and was in conscious possession of the same. Recovery panchanama indicates prohibited contraband. There is prima facie material on record against the present applicant to indicate complicity in the crime. Therefore, prayed to reject the application.

5. Upon considering the submissions of learned counsel for the applicant and learned APP and also perusing the material on record, including the charge-sheet, the commercial quantity in relation to the NDPS Act for contraband which is over and above 20 Kg. The expression 'Ganja' defined under the Act reads as under:

"2(iii)(b) ganja, that is, the flowering or 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”.

6. Thus, the expression ‘Ganja’ makes it abundantly clear that it refers to the flowering or fruiting tops of the cannabis plant, excluding the seeds and leaves when they are not accompanied by the tops. In the present case as is evident from the report, the weight of the contraband is 40.312 Kg of the entire tree. Thus, the seized contraband which essentially includes the weight of other part of the plant and the same is not found confined to the fruiting tops, as defined under the NDPS Act. In these circumstances, prima facie, it is doubtful whether the quantity can be said to be exceeding the commercial quantity as is reported.

7. Apart from aforesaid aspect, there are no antecedents as against the present applicant and also considering the fact that the applicant is agriculturist, having landed property, there is no fleeing risk. I am of the considered opinion that discretion can be exercised in favour of the applicant.

8. In case of ***Laxman Shankar Ghankute Vs. State of Maharashtra (Criminal Bail Application No. 2583 of 2019)***, this Court on 23.06.2021 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".

9. In view of the aforesaid reasons, request of the applicant warrants consideration. Hence, following order.

ORDER

I. The bail application is allowed.

II. Applicant, Sunil Babu Londhe be released on bail, on furnishing P.R. bond in the sum of Rs.50,000/- (Rs.Fifty Thousand) with one or two local solvent sureties, in the like amount, in connection with C.R. No. 419/2025 dated 29/08/2025 registered with Tasgaon Police Station, District Sangli for offences punishable under Sections 8(b), 20(b)(ii) and 20 of The Narcotics Drugs and Psychotropic Substances Act, 1985, on the following conditions :-

- (a) The applicant 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 applicant 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 applicant shall not indulge in similar type of offences in

future.

- (d) In case of breach of any of the conditions by the applicant, it is open for the Prosecution to move the concerned Court seeking cancellation of bail.

10. Needless to state 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.)

IRESH
MASHAL

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