

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

CRIMINAL BAIL APPLICATION NO. 307 OF 2026

Namdeo Laxman Mane	...Applicant
Versus	
The State Of Maharashtra And Anr	...Respondents

Mr. Ramnik Pawar, for the Applicant.

Mr. Shrikant V. Gavand, APP, for the Respondent-State.

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CORAM : MEHROZ K. PATHAN, J.
DATE : 10th JUNE, 2026.

P.C.

1. Heard learned counsel for the Applicant and learned APP for the Respondent-State.
2. The Applicant has approached this Court seeking regular bail in connection with C.R. No.005 of 2026 registered at Satara Taluka Police Station, District: Satara, for the offences punishable under Sections 8, 20(A), 20(B), 20(B)(ii), C of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, "NDPS Act").
3. The prosecution case is that on 8th January, 2026, Satara Taluka Police Station has received a secret information that the present Applicant was engaged in the cultivation of cannabis (Ganja) plants for sale in his agricultural land. Accordingly, a raid was

conducted by the police authority wherein one gunny bag containing dried cannabis along with cannabis plants were found. Thereafter, the police followed the prescribed procedure and seized the entire contraband ganja from the possession of the present Applicant, who was present on the spot.

4. Learned counsel for the Applicant Mr. Ramnik Pawar submits that the Applicant is arrested on 8th January, 2026 and has been in judicial custody since then. It is contended that the evidence collected by the prosecution is weak in nature. The inventory be prepared by the prosecution does not specify the flowering tops as well as the plants accompanying separately. It is further submitted that there are discrepancies in the seized contraband as reflected in the the F.I.R. and seizure panchanama as well as the inventory prepared by the learned Judicial Magistrate First Class, Satara. The Applicant is not having any criminal antecedents and is ready to abide by any conditions that may be imposed by this Court.

The learned counsel for the Applicant further relied upon the order of this Court passed in Criminal Bail Application No.87 of 2026 in the case of ***Sunil Babu Londhe Vs. The State of Maharashtra and Anr.*** dated 11th March, 2026, wherein in identical circumstances, even though there was a commercial quantity involved, the accused there was released on bail on the ground that there was no

antecedents and the Applicant therein was also an agriculturist and there was no risk of fleeing away from the ends of justice.

The learned counsel further relying upon the observations of this Court submits that the expression Ganja defined under Section 2(iii)(b) of the NDPS Act, specifically exclude the seeds and leaves when they are not accompanied by the tops. The entire quantity as shown by the Police Authority is 51.275 kilograms without separating the seeds and leaves from the flowering tops. Thus, the finding can be recorded that the Applicant *prima facie* is not involved in the case under the NDPS Act. Hence, the Applicant may be released on bail.

5. As against this the learned APP strongly opposes the bail application on the ground that the Applicant is involved in the serious offence of cultivation of the contraband ganja in his agricultural field i.e. Gat No.23. When the raid was conducted and the Applicant was found on the spot in possession of the contraband ganja which was seized and samples were sent to the Chemical Analyser for obtaining its report. The Chemical Analyser has submitted its report stating that the contraband seized is ganja plants. Section 37 of the NDPS Act, laid down two conditions for releasing the Applicant on bail. Unless the same is satisfied, the Applicant may not be released on bail. The prosecution has collected ample evidence to bring home the guilt of the present Applicant in the said crime. As such, this is not a fit case

to release the Applicant on bail. Even, though the Applicant is not having any criminal antecedents, there is every likelihood that the Applicant may again indulge into identical offence of cultivating cannabis. Hence, the application may be rejected.

6. The commercial quantity in relation to NDPS Act for 'ganja' means any quantity greater than 20 kg. The Section 2(iii) (b) and (c) defines 'Ganja' as 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, and any mixture, with or without any neutral material, of any of the above forms of cannabis or any drink prepared therefrom.

7. In the present case, the F.I.R., the seizure panchanama, and the inventory certificate does not show that the seized articles were segregated into leaves, seeds, stains and stalks or that thereafter the weight was measured. The Applicant is not the owner of the agricultural field where the contraband cannabis plants were found to be cultivated. The Applicant's father is the owner of Gat No.23. Interestingly, the father of the Applicant is not an accused in the present crime. There is no statement on record to show that the Applicant was cultivating the land Gat No.23.

8. There is nothing on record to *prim facie* to show that, before measuring the weight of the seized plants of Ganja, the Investigating

Officer had segregated the seeds, leaves and plants. Consequently, whether the quantity of the contraband seized was commercial or not is a question which is doubtful. Thus a reasonable finding can be recorded that the Applicant is *prima facie* not guilty of the offences under the NDPS Act.

9. As the Applicant is not involved in any offence under the NDPS Act earlier, a finding can also be recorded that the Applicant is not likely to again commit identical offence of like nature. Since, the Applicant is arrested on 8th January, 2026 and has been in judicial custody since then, further incarceration of the Applicant would not yield any fruitful result. These observations are *prima facie* in nature and are made only with purpose to decide the application and the same shall not influence the trial Court. The apprehension of learned APP can be taken care of by imposing certain conditions. Hence, I am inclined to pass the following order:-

ORDER

- i. The Applicant - Namdeo Laxman Mane be released on bail, on furnishing P.R. Bond in the sum of Rs.50,000/- (Rs.Fifty Thousand only) with one or two solvent sureties in the like amount, in connection with C.R. No.005 of 2026 registered at Satara Taluka Police Station, District: Satara, for the offences punishable under Sections 8, 20(A), 20(B), 20(B)(ii), C of the

Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, “NDPS Act”).

- A) The Applicant shall attend the concerned police station on 1st and 15th of every month between 11:00 a.m. to 2:00 p.m., till completion of trial.
- B) 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.
- C) The Applicant shall not tamper with the prosecution evidence in any manner and shall co-operate the learned trial Judge in expeditious disposal of the trial against him.
- D) The Applicant shall not indulge in similar types of offences in future.
- E) The Applicant shall submit his Aadhar Card and PAN Card copy to the Investigating Officer and detailed addresses and phone numbers of himself and two of the near relatives.
- F) A single violation of conditions or registration of identical offence of cultivations of contraband ganja if

registered against the Applicant, shall entitle the prosecution to seek cancellation of bail.

10. In view of the aforesaid terms and conditions, the application is allowed and accordingly stands disposed of.

(MEHROZ K. PATHAN, J.)