

S.S.Kilaje

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2731 OF 2025**

Rangnath Sonu Chavan

... Applicant

Versus

The State of Maharashtra

... Respondent

Mr. Ashok Mundargi, Senior Advocate a/w. Mr. Vivekanand Vinod Krishnan, for the Applicant.

Smt. Ranjana D. Humane, APP for the Respondent-State.

Mr. Vijay Lokhande, HC -Vani Police Station, Nashik, present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 25th MARCH, 2026.

P.C. :

1. By this application, the applicant is seeking regular bail in C.R.No. 433 of 2024 registered with Vani Police Station, Nashik, for the offences punishable under Sections 20, 8(C), 20(b)(ii)(c), 22(c) of The Narcotic Drugs and Psychotropic Substances Act, 1985 ("NDPS Act").

2. It is prosecution's case that on secret information, police raided the field of applicant and found that applicant had cultivated ganja plants in his agricultural land with crops of tomato. It is alleged that 209.32 kg. ganja plants were recovered in the agricultural field of the applicant.

3. It is contention of learned Senior counsel for the applicant that police have seized ganja plants with flowering and fruiting tops, leaves, seeds and soil but these are not segregated. Learned Senior counsel

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further submitted that as per the definition of ganja, it includes flower and flowering tops of the cannabis plants (excluding the seeds and leaves when not accompanied by the tops). As the ganja plants were seized along with stalks, stems, leaves and soil, it cannot be termed as ganja. The applicant is behind bars for one year and three months. There is no progress in the trial and requested to allow the application.

4. It is contention of learned APP that the cannabis plants were cultivated for unlawful financial gain. The commercial quantity of ganja was found in the agricultural field of the applicant. Section 37 of NDPS Act is attracted against the applicant. If the applicant is released on bail, he may abscond or threaten prosecution witnesses. Hence, requested to reject the application.

5. I have heard both the learned counsel. Perused chargesheet and documents produced on record. The applicant is behind bars for more than one year and three months. There is no progress in the trial. Admittedly, at the time of sending ganja for forensic lab, it was sent with plants and without separating the pieces of leaves, stalk, stems, and seeds. This Court has taken view in other judgments that ganja cannot be termed with stalks, seeds and leaves. The applicant has no antecedents. This Court in the case of ***Laxman Shankar Ghankute Vs. The State of Maharashtra*** (in Criminal Bail Application No. 2583 of 2019) has taken the

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same view in which plants having commercial quantity were found.

6. In view of above, I pass following order.

ORDER

- i. The applicant be enlarged on bail in C.R.No. 433 of 2024 registered with Vani Police Station, Nashik, on executing P.R.Bond of Rs. 30,000/- on furnishing one or two sureties in the like amount.
- ii. The applicant shall attend the concerned police station as and when required.
- iii. The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

6. The application is allowed in the aforesaid terms and is accordingly disposed of. All pending applications, if any, disposed of.

7. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.

8. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)