

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

BAIL APPLICATION NO.3204 OF 2025

Chinmay Bibhuti Sahani	...Applicant
<i>Versus</i>	
State of Maharashtra	...Respondent

Mr. Anil G. Lalla a/w Yash Pulekar, Rushil Alag and Yashvi Jain
i/by Amol M Thombre, *for the Applicant.*
Ms. Megha S. Bajoria, *APP for the Respondent - State.*

CORAM DR. NEELA GOKHALE, J.
DATED: 16TH JANUARY 2026

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.55 of 2024 dated 24th September, 2024 registered with the ANC Kandivali Unit, for the offences punishable under Sections 8(c) r/w 20(c) of the Narcotic Drug and Psychotropic Substances Act, 1985 (for short '**NDPS**').

2. The facts of the case, in brief, are that the officers of the Anti Narcotic Cell, Kandivali Unit, were on patrolling duty when they found the Applicant loitering suspiciously on a

public road, in front of Laxmi Singh Chawl, Shankar Nagar, Wasri Hill, Goregaon (West), Mumbai at about 21:10 hours carrying a gunny bag. On noticing the police officers, the Applicant attempted to flee. The officers chased and apprehended him and, after following the due procedure prescribed under the NDPS Act, conducted a search. No contraband was recovered from the person of the Applicant; however, from the white coloured gunny bag contraband was recovered, which was confirmed to be ganja. According to the prosecution, the total weight of the ganja was 20.067 Kgs of ganja. Pursuant to the registration of the FIR the Applicant came to be arrested on 24th September, 2024.

3. The Applicant made an application seeking bail before the Special Judge, NDPS, Greater Mumbai, however, by order dated 23rd July, 2025, the said application was rejected. Hence, the Applicant has filed the present Bail Application for the reliefs as prayed.

4. Mr. Lalla, learned counsel for the Applicant, submits that the commercial quantity of ganja is 20 Kgs and only 20.067 Kgs were allegedly recovered from the present Applicant. He further submits that there are discrepancies in the weight of the contraband, inasmuch as the Seizure Panchanama records the quantity to be 22.067 Kgs; the Inventory Panchanama records it to be 22.200 Kgs; and the Magistrate's certificate reflects the weight as 22.080 Kgs. He also submits that the seeds and leaves are not covered under the definition of ganja under Section 2(iii)(b) of the NDPS Act. He submits that however the weight of the ganja as weighed by the Investigating Officer is with the seeds and leaves. According to him, if the weight of seeds and leaves is excluded, the quantity of ganja recovered would fall within the non-commercial quantity. He further submits, on instructions from the learned Advocate on record, that the Applicant has no criminal antecedents. He therefore, prays that the Applicant be enlarged on bail.

5. Ms. Bajoria, learned APP representing the State, on the other hand, submits that 20 Kgs and above constitutes a commercial quantity under the NDPS Act. She submits that, even assuming the discrepancies in the weight of ganja as pointed out by Mr. Lalla, the same are not significant. She further submits that the CA report is also positive for ganja. She therefore, prays that the application be rejected.

6. I have heard learned counsel for the respective parties and perused the record of the case with their assistance.

7. Considering the discrepancies in the weight of the ganja as well as the quantity has been arrived at by including the seeds and leaves, it is possible that the ganja allegedly recovered would be within the non-commercial quantity. The Applicant was arrested on 24th September, 2024, and has undergone incarceration for more than one year and three months. The charges have not been framed. Considering that there are no criminal antecedents against the Applicant as

well as discrepancies in the weight of ganja, no purpose will be served by his continued incarceration. It is also unlikely that the trial would commence in the near foreseeable future. In these circumstances, I am inclined to enlarge the Applicant on bail. It is accordingly ordered as under:-

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.50,000/ with one or two local sureties in the like amount;
- ii) The Applicant shall attend the Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;
- iii) The Applicant shall also attend the Police Station concerned once in a month between 11:00 a.m. to 02:00 p.m.;

iv) If the Applicant has not deposited his passport, if any, the Applicant shall deposit the same with the Police Station concerned;

v) The Applicant shall not leave India, without the permission of the Trial Court;

vi) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

vii) The Applicant shall inform his latest place of residence and contact number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the Police Station concerned;

viii) The Applicant to co-operate with the conduct of the trial;

ix) Any infraction of the aforesaid conditions shall entail cancellation of bail.

8. Application is allowed in the above terms and is accordingly disposed of.

9. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(DR. NEELA GOKHALE, J)