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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3444 OF 2025**

Sudarshan Govind Dongare

..Applicant

Vs.

State of Maharashtra

..Respondent

Mr. Gaurav Kalekar a/w Rajesh Waghmare, Abhay Jadhav, Sail Khatavkar,
Advocate for Applicant.

Mr. B.B. Kulkarni, APP for Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 9th APRIL, 2026.

P.C. :

1. Heard learned counsel for the Applicant and learned APP for the State.

2. By this Application, the Applicant is seeking regular bail in Crime No. 329 of 2024 registered with Aalefata Police Station, Junnar, District Pune, for the offences punishable under Sections 8(c), 20(b)(ii) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short “NDPS Act”)

3. It is prosecution’s case that on 29th October 2024 at 3.30 a.m. Police intercepted truck and in the search of said truck, Police found 23.719 kg. ganja. It is alleged that the Applicant was driving truck and co-Accused was sitting beside him.

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4. Learned Counsel for the Applicant submitted that the search was taken by Police Constable, who is not gazetted officer under Section 42 of NDPS Act and search has been taken before sunrise, which is not permissible by Section 42 of the NDPS Act. Learned Counsel further submitted that perusal of the inventory panchanama shows that the inventory has been done by the Judicial Magistrate First Class and not by Investigating Officer and articles seized in seizure panchanama are different from articles produced in inventory panchanama and the panchas called upon by the Investigating Officer are different from panchas called upon in seizure panchanama. Learned Counsel further submitted that in seizure panchanama, panchas are saying that cannabis were found in a condition of green dried flowering / fruiting tops accompanied with seeds, but the inventory panchanama shows that it was found with green yellow leaves, tops, seeds and sticks. So there is discrepancy in the inventory panchanama and seizure panchanama.

5. The Applicant is behind bar for more than 1 year and 5 months. He has no antecedents and requested to allow the Application.

6. It is contention of learned APP for the State that the Police intercepted the truck, which was driving by the Applicant. In the search of said truck, Police found 19 packets of ganja. All procedures under NDPS Act were followed by Police while preparing seizure panchanama. Police

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has correctly weighed the ganja. If the Applicant is released on bail, he may abscond and requested to reject the application.

7. I have heard both learned counsel. Perused the charge-sheet and documents produced on record.

8. The Seizure panchanama shows that cannabis were found in condition of green dried flowering/fruited tops accompanied with seeds. The inventory panchanama shows that green-yellow leaves, tops, seeds and sticks were found in inventory articles. There is discrepancy about the ganja found in 19 packets. The weight of ganja was 23.719 kgs., so it is little higher than the commercial quantity.

9. Considering discrepancy in the panchanama as well as it is settled law that ganja cannot be considered with leaves, tops, seeds and sticks.

10. The Applicant is behind bar for more than 1 year and 5 months. He has no antecedents.

11. Considering this fact, I pass following order:

ORDER

(i) The Applicant- Sudarshan Govind Dongare be released on bail in Crime No. 329 of 2024 registered with Aalefata Police Station, Junnar, Pune, on furnishing PR bond of Rs.25,000/- with one or two solvent sureties in the like amount.

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- (ii) The Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.
- (iii) The Trial Court shall decide the case on its own merits and in accordance with law, uninfluenced by the observations made in this order.
- (iv) The Applicant shall attend the concerned police station, as and when required.
- (v) Bail Application is allowed in the aforesaid terms.

(SHIVKUMAR DIGE, J.)