

N.S.Kamble

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

CRIMINAL BAIL APPLICATION NO. 3800 OF 2025

Noormohammed Gaffar PinjariApplicant

VERSUS

State Of MaharashtraRespondent

Mr.Taraq Sayed a/w Ms.Ashwini Achari, for the Applicant.

Mr.M.G. Patil, APP for Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 17th APRIL 2026

P.C. :

1. By this Application, the Applicant is seeking regular bail in Crime No.520 of 2024 registered with Dighi Police Station, Pune, for the offences punishable under Sections 8(c), 20(b)(ii)(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, ('NDPS' for short).

2. It is prosecution's case that on 22nd November 2024 at around 20.25 hours, the Police intercepted the car of the Applicant and in his car police found gunny bag containing 55 kg 690 grams of ganja.

3. It is contention of learned counsel for the Applicant that the said ganja was sent to laboratory for chemical analysis with flowering/fruited tops, seeds and stalks. As per definition of ganja, it includes flowering or fruited tops excluding the seeds and leaves when not accompanied by the tops. The

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Applicant is behind bars for more than one year and four months, and requested to allow the Application.

4. It is contention of learned APP that commercial quantity of the ganja was found in possession of the Applicant. He was caught red handed by the Police. The Chemical Analysis report shows that contraband found in the possession of the Applicant is ganja. If the Applicant released on bail, he may abscond or threaten prosecution witnesses, and requested to reject the Application.

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

6. Admittedly, the ganja was seized included flowering/fruited tops, leaves, seeds and stalks. The weight considered by the Police was of heterogeneous mixture of ganja. As per the definition of ganja under Section 2(iii)(b) and 2(iii)(c) of NDPS Act, the ganja is the flowering or fruited tops of cannabis plant excluding the seeds and leaves when not accompanied by the tops. In the present case, the ganja was with seeds, leaves and tops, and was heterogeneous mixture. To prove case against the Applicant trial is required.

7. Considering these facts, I pass following order.

ORDER

- (i) The Applicant be released on bail in Crime No.520 of 2024 registered with Dighi Police Station, Pune, on furnishing

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PR bond of Rs.25,000/- with one or two solvent sureties in the like amount.

(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) Application is allowed in the aforesaid terms.

(SHIVKUMAR DIGE, J.)