

Shubhada S Kadam

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 4049 OF 2025

Devsundar Amlesh Maithi

...Applicant

versus

The State of Maharashtra

...Respondent

Mr. Ajay Jaybhay along with Mr. Shubham Choudhar, Advocate for applicant.

Mr. S. M. Mangaonkar, APP for Respondent-State.

Mr. A. G. Pawar, PSI, Aalefata Police Station, present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 29th APRIL, 2026.

P.C. :

1. 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.

2. It is prosecution's case that on 29th October 2024 at 3.30 a.m., the police intercepted truck and in the search of said truck, police found 23.719 kg. ganja. It is alleged that the applicant was co-driver.

3. Learned Counsel for the applicant submitted that the applicant was co-driver. The search was taken by police constable, who is not gazetted officer and search has been taken after sunset and before sunrise, without obtaining search warrant.

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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. The applicant is behind bars for more than 1 year and 5 months. He has no antecedents and requested to allow the application.

4. It is contention of learned APP for the respondent-State that the police intercepted the truck, which was driven by the co-accused and the applicant was co-driver, it shows his involvement in the crime. 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. The police has correctly weighed the ganja. If the applicant is released on bail, he may abscond and requested to reject the application.

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

6. The truck was driven by the co-accused and the applicant was co-driver. 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. There is discrepancy in the panchanama as well as it is settled law that ganja cannot be considered with leaves, tops, seeds and sticks. The applicant is behind bar for more than 1 year and 5 months. He has no antecedents. Considering these fact, I pass following order:

ORDER

- (i) The applicant be enlarged on bail in Crime No. 329 of 2024 registered with Aalefata Police Station, Junnar, District Pune, on executing P.R.Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- (ii) The applicant shall attend the concerned police station as and when required.

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- (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.

The application is allowed in the aforesaid terms and is accordingly disposed of.

6. 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.

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

(SHIVKUMAR DIGE, J.)