

Navnath Waghmare (RA)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 4884 OF 2025

Saleem Galabnabi	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

Mr. Mohan Shah, i/b Dipesh Patil for the Applicant.
Ms. Veera Shinde APP, for the Respondent-State.
Mr. Rajesh Shinde, PSI, Cr. Unit-2, Kongaon Police station,
Bhiwandi, Mumbai.

CORAM: R. M. JOSHI, J.

DATED: 10th MARCH, 2026

PC:-

1. Applicant seeks regular bail in connection with C.R.No. 864 of 2024 registered with Konegaon Police Station, Unit-2, Bhiwandi, for the offence punishable under Section 8(c), 20(b)(ii) (c), 29 of the NDPS Act, 1985 and 338, 339, 340 of the B.N.S. of the 2023.

2. It is the case of the prosecution that on 01st September, 2024 the information was received with regard to the contraband 'Ganja' being brought from state of Orissa in Maharashtra. Further, information was received this huge amount of Ganja being concealed in vehicle bearing no. MH-04-LE-1743. The said

information was reduced in writing and informed to the senior officer, and then panchas were called. The vehicle ie. Tempo stopped at the spot, where was occupied by three persons. Other persons however, came near the spot and while they were attempting to take away gunny bags kept in tempo they were intercepted. Notice was issued under Section 50 of the NDPS Act. Ganja weighing 553 kg. and 600 gm. was seized. On completion of investigation charsheet has been filed.

3. Learned counsel for the Applicant submits that the applicant is the driver of the tempo and had no knowledge about the contents carried in the tempo. For want of knowledge with regard to the alleged contraband article, and in view of factum of filing of chargesheet his further custody is not necessary. He further submits that the co-accused has been granted bail by the Trial Court and hence applicant is entitled to be release on bail.

4. Learned Counsel for the APP, opposed the application by contending that the herein this case huge quantity of 'Ganja' over 553 Kg. 600 gm is seized. He is argued that considering the volume of contraband it is impossible that without knowledge of applicant, the same was transported. It is further submission that in fact the Trial Court committed error in granting bail to the co-accused by ignoring the fact of seizure of huge quantity of contraband.

5. This is a case of seized of huge quantity of contraband. This is not case of long incarceration. Considering Section 37 of the said Act, since the contraband article is commercial quantity embargo thereof would apply to the present case. It is the case of the applicant that he is the driver of the tempo, in which the contraband was transported. Even it is accepted for the sake of argument that contraband applicant was driver of the said tempo, his involvement in the serious crime has been seen. Having regard to the volume of the contraband, it is practically impossible that the same is transported without knowledge of the driver. *Prima-facie*, there is compliance of provisions of Section 50 and 42 of the said Act. Moreover this is not a case of long incarceration. In such circumstances there would be no justification for enlargement of the applicant on bail.

6. Hence, the present Application stands dismissed.

(R. M. JOSHI, J.)