



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION [BA] NO. 200 OF 2026.

1.Bhimrao Umaji Sahare.

2.Nitesh Bandu Gedam.

-VERSUS-

State of Maharashtra.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri S. Kulkarni, Advocate for the Applicant.

Shri A.A. Madiwale, A.P.P. for the Non-applicant.

CORAM : M.M. NERLIKAR, J.

DATE : MARCH 17, 2026.

Heard.

2. Applicants came to be arrested in connection with Crime No.1208/2025 registered with Gadchiroli Police Station, Gadchiroli for the offence punishable under Sections 20[b], 20[b][ii] and 8[c] of the Narcotic Drugs and Psychotropic Substances Act (NDPS).

3. The first information report in the matter came to be lodged by Police Official attached to Police Help Booth, Potegaon, District Gadchiroli alleging that on 16.11.2025

when he was performing his duties at check-post at Potegaon, he saw two persons riding a moped, and when they were asked to stop, instead of stopping they tried to run from there in rash speed. At that time one four wheeler was coming from opposite direction and their vehicle slipped. Suspecting some foul play at their hands, when the police took their search, ganja was found in their possession weighing 1940 grams which was seized from the bag and dickey of the vehicle. Hence, the first information report.

3. The learned Counsel for the applicant submits that the quantity of ganja which was seized is 1940 grams which consists of flower, seeds, leaves and tops of the plant. The investigating agency has not segregated the flower tops with leaves and seeds, therefore, what is the exact quantity of Ganja is not clear from the entire charge sheet. He further submits that ganja is defined in Section 2[iii][b] of the NDPS Act, which states - “ganja, that is, the flowering or fruiting tops of the cannabis plant (excluding the seeds and leaves when not accompanied by the tops), by whatever name they may be known or designated”.

The learned Counsel submits that the definition

excludes seeds and leaves. However, while drawing inventory, the entire plant has been weighed and it was found weighing 1940 grams, it is therefore, his submission that if ganja is segregated, it would be less than 1 kg. Therefore, considering this small quantity, rigor of Section 37 would not be applicable, and the applicants deserve to be enlarged on bail.

4. On the other hand, the learned A.P.P. vehemently opposes the application and submits that applicants were carrying ganja on a scooty-moped, when they were asked to stop the vehicle, they rashly drove the moped, at that time from opposite direction one car was coming, and therefore, they slipped, when police officials took their search, they were found in custody of ganja weighing 1940 grams in the bag and dickey of the moped. It is submitted that applicants were caught red-handed along with ganja. Though it is not a commercial quantity, the fact remains that near about 2 kgs of ganja was found with them. Apart from this there are 10 offences registered against the applicant no.1 under the Prohibition Act, so also he was externed for two times, and therefore, considering the fact that present applicants are indulging in serious offences, bail should not be granted to them.

5. I have considered the rival contentions of the parties. Admittedly, it appears from the record that 1940 grams of ganja has

been seized from the applicants. The said ganja was seized from the bag and dickey of the moped. However, it is important to note that the entire ganja was weighed along with flowers, seeds, leaves and tops of the plant, and therefore, the exact weight is not stated in the charge sheet. No doubt the C.A. report which is placed on record by the learned A.P.P. shows that Exhs.1 and 2 are ganja, however, the fact remains that even if it is considered that 1940 grams of ganja is found with the applicants, it is not a commercial quantity. So far as the criminal antecedents are concerned, it is to be noted that all the offences are under Prohibition Act, and therefore, those offences cannot be a hurdle in granting bail in the present case. Considering the above facts and circumstances, I am inclined to grant bail to the applicants, hence the following order.

ORDER

- (i) Criminal Application is allowed and disposed of.
- (ii) Applicants /accused Bhimrao Umaji Sahare and Nitesh Bandu Gedam be released on regular bail in connection with Crime No.1208/2025 registered with Gadchiroli Police Station, Gadchiroli for the offence punishable under Sections 20[b], 20[b][ii] and 8[c] of the Narcotic Drugs and Psychotropic Substances

Act (NDPS) on their furnishing P.R. Bond of Rs.50,000/- each with two sureties in the like amount.

- (iii) The accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.
- (iv) The accused shall provide their residential address and cell number to Police Station concerned and shall not change their place of residence without prior intimation to the Investigating Agency.
- (v) The accused shall attend each and every date of trial regularly. If they fail to attend the trial for one single date, or fail to comply with the aforesaid conditions, their default would entail the State to ask for cancellation of bail.
- (vi) The above observations are prima facie in nature, and restricted for the purpose of deciding this application. The Trial Court shall not get itself influenced by said observations, during the course of trial.
- (vii) Misc. Applications, if any, are also disposed of.

JUDGE