



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO. 125/2026

(Dongarsingh Julalsing Zade Vs. State of Maharashtra)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. R. Bidkar, Advocate for applicant.
Ms. T.H. Udeshi, APP for non-applicant/State.

CORAM: M. M. NERLIKAR, J.

DATED : 05/03/2026.

Heard.

2. By this application, the applicant is seeking bail in connection with Crime No. 42/2025 registered with Police Station Shegaon, Dist. Buldhana for the offence punishable under Sections 8(c), 20(b)(ii)(c), 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 ("NDPS Act") (Spl. Case No. 52/2025 pending on the file of Sessions Court, Khagaon).

3. The brief facts of the prosecution story is that Police Inspector Shri. Nitin Patil received an information that some persons are coming near dumping ground in jungle area to sell the contraband Ganja. Hence pre-trap formalities were carried out. Trap was laid at the spot. On reaching the spot, a person was seen sitting in the bushes.

On seeing the police party, he tried to run away, but he was apprehended and another person fled from the spot. Officers found 6 gunny bags at the spot and the content of the bags was emptied on a plastic sheet and then weighed. It was found to be 207 Kgs. of Ganja. As the applicant was found on the spot with contraband, he was arrested and a First Information was registered.

4. The principal ground which is raised in the application is that the seized contraband does not match with the Chemical Analysis ('CA') report or the inventory panchanama. The learned counsel for the applicant submits that whatever is shown in the CA report is not matching either with the inventory panchanama or panchanama which was carried out at the time of raid. From the FIR, it is pointed out that the contraband was in the nature of greenish, blackish flowering top seeds having strong smell. However, the inventory panchanama recorded by the Judicial Magistrate First Class, Court No.1, Shegaon, states that all sacks contained green grass type substance having strong smell. Even in the CA report, the description of the articles was shown as greenish, brownish colored flowering top seeds, leaves, seeds and stalks, therefore he

submits that there are three different versions of what has been seized as contraband in the charge sheet. According to him, the contraband has been planted by the prosecuting agency, therefore the learned counsel prays that the applicant be released on bail as he has been falsely implicated. He further submits that the applicant is behind bar since 29.01.2025, now the investigation is complete and the charge sheet is filed.

5. On the other hand, the learned APP vehemently opposes the application and submits that the applicant was caught red handed with six gunny bags and the contraband which was seized weighed 207 kg. She submits that such huge quantity of Ganja can not be planted by the Investigating Agency to as to implicate the applicant. She further submits that there is no variance either in the first information report or the spot panchanama which was drawn. Not only that, it also matches with the CA report. According to her, in the FIR, the contraband was shown as greenish, blackish, flowering top seeds having strong smell and the colour of Ganja might change after few days, therefore the submission of the applicant cannot be accepted. She submits that from the CA report, it is crystal

clear that the contraband is Ganja, therefore considering the commercial quantity, rigour of section 37 of the NDPS Act would be applicable and therefore the applicant may not be released on bail.

6. I have considered the rival submissions. Admittedly, in the FIR, it appears that the seized contraband is having greenish, blackish, flowering top seeds having strong smell. The same is shown in the spot panchama also. However, while drawing the inventory panchanama, the learned Magistrate has described the contraband as green grass type substance having strong smell. The inventory panchanama nowhere shows that the flowering tops and seeds were present. Further, it is to be noted that the letter addressed to the CA office, also does not give any description of what has been sent for the chemical analysis. However, in the CA report, the description of the contraband is shown as greenish, brownish colored flowering tops, leaves, seeds and stalks. It is very difficult to say whether the contraband is the same which was sent for chemical analysis. It is further to be noted that there are no criminal antecedent against the applicant. As the case is made out by the applicant for

grant of bail and since the applicant is in Jail from 29.01.2025 and the fact that the investigation is complete and charge is filed, I am inclined to grant bail, hence the following order:-

ORDER

- (i) Criminal application is allowed and disposed of.
- (ii) The applicant/accused Dongarsingh Julalsing Zade, be released on bail in connection with Crime No. 42/2025 registered with Police Station Shegaon, Dist. Buldhana for the offence punishable under Sections 8(c), 20(b)(ii)(c), 22(c) of the NDPS Act. (Spl. Case No. 52/2025 pending on the file of Sessions Court, Khagaon) on his furnishing P.R. Bond of Rs. 25,000/- with one surety 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 his residential address and cell number to concerned Police Station and shall not change his place of residence without prior intimation to the concerned Investigating Officer.

(v) The applicant/accused shall attend each and every date of trial regularly. If he fails to attend the trial for two consecutive dates or fails to comply with the aforesaid conditions, his default would entails the State to ask for cancellation of bail.

(M. M. NERLIKAR, J.)

Gohane