



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

Criminal Application (BA) No.181/2026

Rameshwar Pote V State of Maharashtra thr PSO PS Darati, Taq. Umarkhed, Dist Yavatmal

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

Court's or Judge's orders

Mr. S.S. Sheikh, Advocate for applicant.
 Mr. Chutke, APP for State.

CORAM : M. M. Nerlikar, J.

DATE : 25-02-2026.

Heard learned Counsel for the applicant and learned APP for the state.

2. By this application under Section 483 of the Bhartiya Nagrik Suraksha Sanhita, 2023 (for short, B.N.S.S. Act'), the applicant is seeking bail in connection with Crime No.0166/2024 registered with the non-applicant police Station for offences punishable under Sections 8(c), 20(b)(ii)(c) and 29 of the Narcotics Drugs and Psychotropic Substances Act, 1985 ('NDPS Act').

3. The prosecution story in nutshell is that, on the basis of information, a raid has been conducted by the Police officials after following the procedure in the agricultural field of the applicants/accused situated at Mouza Shirfulli on 01.10.2024 and it was found that accused persons were cultivating Ganja in the field and accordingly the contraband Ganja weighing around 62.812 Kgs was seized. Therefore, the FIR was lodge and the investigation was set into motion.

4. Learned Counsel appearing for the applicant submits that his earlier bail application i.e. Criminal Application N0.781/2025 was withdrawn by order dated 04-08-2025. He submits that the applicant has

not raised the ground that the contraband 'Ganja' which was seized from the field of the applicant was of intermediate quantity. However, the entire quantity which is shown in the FIR is in respect of both the Gat Nos.48 and 49 and therefore the commercial quantity in total was seized from both fields and therefore he has filed once again an application before the trial Court for grant of bail on the ground that so far as applicant's field is concerned only intermediate quantity of contraband was seized. Learned Counsel for the applicant submits that Gat No.49 is in the combined name of Parmeshwar and the present applicant who are brothers. However, Gat No.48 is in the name of Parmeshwar and he is separately cultivating the said land. According to the applicant, so far as Ganja which was found in the Gat No.49 is concerned, it is only weighing 16.979 kgs and therefore he submits that considering the intermediate quantity which is less than commercial and more than small quantity rigour of Section 37 would not be applicable. He further submits that the applicant is in jail since 02-10-2024. The applicant is agriculturist and there are no antecedents against him and therefore he prayed to release the applicant on bail.

5. On the other hand, learned APP vehemently opposes the application and submits that when the earlier bail application was withdrawn by the applicant it would be construed that the Court was not inclined to grant bail. However, in the absence of change in circumstances the applicant is not entitled to file the second bail application before this Court. He submits that Parmeshwar and the present applicant are cultivating both the fields i.e Gat Nos.49 and 48. In both the gat numbers

total quantity was found to be 62.812 Kgs. Which would fall under the commercial quantity and therefore considering the fact that the earlier application was withdrawn and the fact that commercial quantity is found, the applicant is not entitled for bail.

6. I have considered the rival submissions.

7. Admittedly, the earlier application was withdrawn by the applicant on 04-08-2025. Learned Counsel fairly submits that he has not raised the ground of intermediate quantity in the earlier bail application, therefore I have considered this application on merits. After going through the record admittedly the raid was conducted on 01-10-2024 in the night at about 23.16 hours. It further appears that there are two gat numbers wherein contraband was found i.e Gat No.48 which is exclusively in the name of Parmeshwar who is co-accused whereas Gat No.49 is standing in the name of the present applicant and co-accused Parmeshwar. Considering this fact that from Gat No.49 admittedly Ganja weighing 16.979 kgs was found which is an intermediate quantity i.e more than small quantity and less than commercial quantity and therefore the rigour of section 37 would not be applicable. Admittedly, the applicant is in jail since 02-10-2024. More than one year and four months are over. Now the investigation is over and chargesheet is filed and further the applicant is not having any criminal antecedents, therefore I am inclined to grant bail. Hence, the following order :-

(i) Criminal application is allowed and disposed of.

(ii) The applicant/accused be released on regular bail in Crime No.0166/2024 registered with police Station Darati, Tah.

Umarkhed, District Yavatmal for offences punishable under Sections 8(c), 20(b)(ii)(c) and 29 of the Narcotics Drugs and Psychotropic Substances Act, on his executing PR. Bond of Rs.25,000/- (Rupees Twenty Five thousand only) with one solvent surety in like amount.

- (iii) The applicant shall not enter into the village Shirfulli, Taq. Mahagaon, Distinct Yavatmal.
 - (iv) 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.
 - (v) 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.
 - (vi) 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 entail the State to ask for cancellation of bail.
8. The observations of this Court are *prima facie* in nature and the trial Court shall not be influenced by same.

(M.M. Nerlikar, J.)