

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

**CRIMINAL APPLICATION (BA) NO. 465/2026**

(Gajanan Narayan Metkar Vs. State of Maharashtra)

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

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Ms. A. M. Raut (Narwade), Advocate for applicant.  
Mr. A. A. Madiwale, APP for non-applicant/State.

**CORAM: M. M. NERLIKAR, J.**

**DATED : 06/05/2026.**

Heard.

2. By this application, the applicant is seeking bail in connection with Crime No.520/2025 registered with Police Station Mahagaon, Dist. Yavatmal for the offences punishable under Sections 8(B), 20(B)(i) of the Narcotic Drugs and Psychotropic Substance Act, 1985 ("NDPS").

3. The prosecution story, in brief is that the Local Crime Branch, Yavatmal, received secret information that the accused person, namely Gajanan Metkar, was cultivating contraband ganja in the agricultural field which was in his possession. Accordingly, the raiding party after following the due process, conducted raid on the said field and found approximately 31 cannabis plants cultivated in the farm bearing Survey No. 12/01 and same were seized.

Based on these allegations, first information report was lodged.

4. The learned counsel for the applicant has raised two grounds, that the description of the cannabis plant which is alleged in first information report, seizure panchanama does not match with the description given in the inventory and the charge-sheet was not accompanied by the FSL/CA report, therefore it is an incomplete charge-sheet. She has invited my attention to the observations in the case of *Mohd. Arbaz and others vs. State of NCT of Delhi (Special Leave to Appeal (Cri) No(s). 8164-8166/2021 dated 18/07/2024)* where the Supreme Court has observed as under:-

*“1. In this batch of cases, the primary issue that arises for consideration is as to whether a charge-sheet without the FSL/Examiner’s Report in a NDPS case can be termed as an incomplete Report’ under Section 173 Cr.P.C.?”*

In the same order, the Supreme Court in Paragraph No.8 has observed as under:-

*“8. The orders granting interim bail to the petitioners shall continue to operate until further orders.”*

Therefore, according to the learned counsel for the applicant, considering the above facts and circumstances of the case, and the fact that the Supreme Court is seized with the matter so far as the consideration of the primary issue in respect of whether a charge-sheet without FSL report in NDPS case can be termed as an incomplete report under Section 173 of Code of Criminal Procedure, she submits that till the issue is decided by the Supreme Court, the Supreme Court has granted interim bail to the appellant therein, which will operate and continue to operate until further orders therefore, she submits that the applicant also deserves to be granted bail, since no FSL/CA report has been filed along with the charge-sheet.

5. On the other hand, the learned APP opposes the application and submits that in catena of judgments, including the Division Bench of this Court in a reference, has held that in NDPS cases a police report containing details prescribed under Section 173(2) of the Cr.P.C. is a complete charge-sheet, even if it is unaccompanied by a

CA/FSL report. Therefore, he submits that considering the law laid down by this Court, it is not necessary that the charge-sheet should be accompanied by CA/FSL report, and therefore it cannot be said that the Investigating Officer has filed an incomplete charge-sheet.

6. I have considered the rival submissions. The larger Bench of the Supreme Court is seized with as to if the FSL or CA report is not accompanied with the charge-sheet, whether it would amount to an incomplete charge-sheet or not. However, the Supreme Court has granted interim bail to the petitioner until further orders there in. So far as the present matter is concerned, it is not in dispute that the charge-sheet is not accompanied by the CA/FSL report. It is further to be noted that so far as the description of the cannabis plant is concerned, it is not matching with the seizure panchnama and FIR, on one hand and on the other hand, with the inventory certificate of the learned Judicial Magistrate First Class, Mahagaon. Under such circumstances, I am inclined to grant bail to the Applicant, hence, the following orders:-

**ORDER**

- (i) Criminal application is allowed and disposed of.

(ii) The applicant/accused Gajanan Narayan Metkar be released on bail in connection with Crime No.520/2025 registered with Police Station Mahagaon, Dist. Yavatmal for the offences punishable under Sections 8(B), 20(B)(i) of the NDPS on his furnishing P.R. Bond of Rs. 25,000/- with one surety in the like amount.

(iii) The applicant shall report to the concerned Police Station once in a month on Second Saturday during the period of his bail.

(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 the 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.

**( M. M. NERLIKAR, J.)**