

IN THE COURT OF ADDITIONAL SESSIONS JUDGE, NASHIK

AT – NASHIK.

(Presided over by Mr. M. H. Shaikh)

Criminal Bail Application. No.1237 of 2022

CNR No.MHNS010053152022



Chiman Pandu Ghode

Age : 54 years, Occ : Agriculture

R/o : Ghodewadi (Takedhchi)

Tal. Igatpuri, Dist. Nashik.

... Applicant/accused.

V/S

State of Maharashtra

Through : Ghoti Police Station.

(C.R. No.II-37/2022)

... Respondent.

Appearance : Ld. Adv. Shri. Shivam D. Walzade for Applicant/Accused.

Ld. A.P.P. Shri. Sachin Gorwadkar for Respondent/State.

Shri. Dilip Khedkar, A.P.I. present.

ORDER BELOW EXH. NO.1

(Delivered on 19th October, 2022)

1. This is an application under Section 439 of Cr.P.C. for regular bail in connection with C.R. No.II-37/2022 registered with the respondent Ghoti Police Station against the accused for an offence punishable under Sections 8 (C), 20, 20 (A) (1) (2) (C) and 22 of the N.D.P.S. Act.

2. Read the application and the say. Heard Ld. Advocate for applicant. Ld. A.P.P. for the State and the I.O. in person. Perused the police-papers produced for inspection by the I.O.

3. It is alleged by the prosecution that, the Officer of Ghoti Police Station had received the secret information and acting on the said information, they went to the place of applicant and found that, he had planted Ganja (गांजा) in his field. The said Ganja (गांजा) was seized in presence of panchas. The necessary legal requires were fulfilled and thereafter report came to be lodged against the applicant.

4. It is the case of the applicant that, he is been falsely implicated in this case. Alongwith him, there are other co-owners of the land, wherein the alleged Ganja (गांजा) was grown-up. Applicant is a senior citizens and the family members are dependent on him. The quantity of Ganja (गांजा) is small quantity and the offence isailable. Therefore, prayed to allow the application.

5. Upon hearing and going through the material placed on record, what can be gathered is that, on a secret information the Police went to the field of applicant and found that the Ganja (गांजा) are grown and accordingly they seized them, which were the commercial quantity amounting to Rs.49,690/- and the weight was 49.690, which is a commercial quantity. Therefore, prayed to reject the application.

6. Upon hearing duo Advocates and going through the documents and perusing the police-papers, what can be gathered is that, the applicant was found in possession of Ganja (गांजा), which he had grown in his field. As far as, field is owned by other co-owners is concerned, it is the case of the prosecution that, it was found in the area of field, which was in possession of the applicant. Whether the seized Ganja (गांजा) is commercial quantity or small quantity will be ascertain, when the C.A. report will come.

It is very difficult to arrive at any conclusion at this preliminary stage of the investigation. The offence alleged is serious in nature and it affects the society at large. Therefore at this juncture, this Court finds that the applicant is not entitled for bail. As far as, the authorities relied by Ld. Advocate for applicant i.e. *Harsh Shailesh Shah v/s State of Maharashtra and Shivaji Trayambak Shelke v/s State of Maharashtra*. In both these authorities the quantity was small and therefore the bail was granted. In our case in hand, it is not so. Therefore, these authorities are not applicable to our case in hand. In the result, the application fails. Hence, the order.

ORDER

1. Criminal Bail Application No.1237/2022 stands rejected.
2. Inform the order to the I.O.

Place : Nashik.
Date : 19/10/2022

(M. H. Shaikh)
Additional Sessions Judge, Nashik.