

MHAU040000912026



Criminal Bail Application No. 20/2026
Kachru Baburao Dhurat Vs. The State

ORDER BELOW EXH.1

(Date : 18.03.2026)

1. The applicant/accused is seeking **regular bail** vide section **483** of B.N.N.S., 2023 in connection with **crime No.128/2026 u/s. 8(b) and 18** of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at **Vaijapur** Police Station.

2. The Investigating Officer and the Ld. APP opposed the application vide common say.

3. **Concise story of the prosecution case is as under :-**

On 21.02.2026 the informant was on patrolling duty for raid of Cannabis operation. He received secret information that at mauje Karanjgaon in the field of accused he has cultivated plants of contrabanned substance i.e. opium (अफ़) poppy in Gut No.132 inter crop with garlic crop. Accordingly the informant along-with police staff, comprising Local Crime Branch, Tahasildar and Forensic Expert found cultivated crops of poppy. After completing the procedure and complying the mandatory compliance, the police uprooted and seized green poppy straw/plants including pods and flowers. Total quantity of Rs.180.615 kilo grams worth of Rs.27,09,225/-.

4. On this basis, the crime came to be registered. After following the due process of search, seizure and obtaining sample of said contraband articles the FIR is lodged.

5. Learned Advocate for applicant/accused submitted that, present applicant-accused has no nexus with the present offence. The complainant falsely implicated the applicant in the alleged and concocted offences. The petitioner has no concern and involvement in the incidence. The quantity is inter-mediate and hence the bar contemplated under section 37(2) is not applicable. The flower and plants cannot be consider for attracting the offence of section 8(b) and 18 of the NDPS Act. There are no criminal antecedent against him. He is 65 years old. He has given his field on batai to some other person. Accused had no knowledge about the said cultivation. He is only owner of the said agricultural land. There is no conscious possession from the applicant/accused. The alleged seizure consist of green plants (including roots, stems, leaf and pods). Thus, considering the seizure of all the weight does not include commercial quantity. Applicant/accused is permanently resident of Vaijapur. Accused is suffering from illness. The medical certificate is annexed. Accused is ready to abide all terms and conditions. With this, it is prayed to release the accused on bail.

6. Learned APP submitted that 180.615 kilogram is seized from the field of accused/ applicant. The offence is serious in nature. Commercial quantities is seized from the agricultural land of accused. The investigation is at initial stage. The chances of commission of similar offence cannot be ruled out. Even chances of fleeing away cannot be ruled out. With this, he prayed to reject the application.

7. Having considered facts of the case it appears that applicant-accused has alleged to have committed the offence by participating in commission of offence. Section 8(b) and 18 of N.D.P.S. Act applies to the case. The said offence is non-bailable.

8. Further, it appears that, the seized muddemal is 180.615 kilogram. The accused is booked for the commission of offence under section 8(b), 18 of the NDPS Act. Section 18 of the NDPS Act provide punishment extending one year to 20 years and is divided in to three parts i.e. punishment for small quantity is provided with rigorous imprisonment for a term which may extend to one year or with fine which may extend to ten thousand, punishment for commercial quantity is for a term which shall not be less than ten years but which may extend to twenty years and also be liable to fine which shall not be less than one lakh which may extend to two lakh and in any other case rigorous imprisonment which may extend to ten years and with fine which may extend to one lakh.

9. Under the table appended to the NDPS Act in term of Sub-clause (viiia) and (xxiiiia) against entry no.110, the small quantity is provided as 1000 grams and commercial quantity is prescribed as 50 kilogram. Thus, in the case in hand admittedly the quantity of contraband fall within the purview of commercial quantity, as such the rigours of section 37 will be applicable to the instant case.

10. Once Court come to the conclusion that rigour of section 37 of the NDPS Act are Thus, in the present case, bar of section 37 of N.D.P.S.Act is applicable.

11. Perusal of FIR shows that, the quantity seized by the police is 180.615 kilogram is commercial quantity. Keeping in view the totality of circumstances in the light of above discussion the accused is not entitled to be released on bail. Hence, order :-

ORDER

Application is rejected.

Date : 18.03.2026

(Smt.S.K.Upadhyay)
Additional Sessions Judge,
Vaijapur.