

MHKO010025632026



In the Sessions Court, Kolhapur, at Kolhapur

(Presided over by R. V. Utpat, Additional Sessions Judge, Kolhapur)

Cri. Bail Appln. No.642/2026

Somnath Raghunath Mandale, Applicant

Versus

**The State of Maharashtra Opponent
Through Gokul Shirgaon Police Station**

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Appearance:-

Ld. Adv. Shri. Pruthviraj Patil, for the Applicant

Ld. A.P.P Shri. S. S. Rote, for the State.

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Order below Exh. 1

1. The applicant-accused is seeking bail U/Sec.483 of the Bhartiya Nagarik Surksha Sanhita, 2023 in Crime No.164/2026 registered at the Gokul Shirgaon Police Station, for offence punishable U/Secs. 8(c) and 20(b)(ii), 20(c), 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. The crime is registered on the basis of the FIR lodged by Police constable Mr. Vaibhav Nivrutti Patil of the Local Crime Branch, stating that, Police Inspector Mr. Chavan called him and

other staff and told them that, he had received a secret information that, on 18/06/2026, a person was going to sell Ganja at Ujalaiwadi lake, Tal. Karvir. Then, P.I. Mr. Chavan gave intimation to the Superintendent of Police and formed a squad. The said squad along with panchas and equipments required for the purpose of carrying out raid proceeded to the spot as per the information. Thereafter, a four-wheeler having make of Ford came at the service road and at the same time, a bike rider came near the said Car and took a bag from the persons sitting in the Car and kept the said bag in his sack. On suspicion, the raiding party nabbed him. So also, two persons sitting in the Car were also nabbed. The Bike rider disclosed his name as Rajkiran More, whereas the other persons disclosed their names as Santosh Dinkar Mane and Somnath Raghunath Mandale (applicant). Those persons were offered personal search of the pachas and the police squad, however, they declined. They were also apprised of their right to get their personal search in presence of gazetted officer U/Sec.50 of the NDPS Act, however, they declined. During the search of the person of said Rajkiran More, he was found in possession of a sack, which was containing a polythene bag containing 2 Kg. Ganja. The muddemal was seized and sealed. During the search of the Ford Car, a gunny bag containing 19.970 kg. Ganja was found. The same was seized along with cash amount of Rs.8000/-, two mobile phones and the Car. Accordingly, panchnama was drawn and thereafter, crime was registered.

3. The applicant has sought bail on the grounds that,

he has not committed any offence as alleged, the aggregate quantity allegedly recovered from all the accused can not be mechanically attributed to the applicant for denying bail, the applicant was arrested without preliminary inquiry or investigation., there is unexplained delay in lodging the FIR, and the applicant is ready to co-operate with the Investigation machinery. Furthermore, the applicant is the sole earning member of his family and he is permanent resident within the jurisdiction of this Court.

4. The application is resisted by the State on the grounds that, in all 21.970 kg. Ganja has been seized from the accused persons, offence is grave, investigation is in progress and the applicant may hamper investigation or commit similar offence, if released on bail.

5. I have Ld. Advocate Mr. P. D. Patil for the applicant and Ld. APP Shri. Rote for the State.

6. The learned advocate for the applicant submitted that, the raid was allegedly conducted at 11.30 p.m. and the FIR is lodged at 4.30 a.m. and the delay is not explained. He further submitted that, individual conscious possession of contraband is below commercial quantity. Furthermore, description mentioned in the FIR does not answer the definition of Ganja as per section 2 (b) of the NDPS Act. He further submitted that, bar of Section 37 of the NDPS Act is not applicable, the applicant has no criminal antecedents and his further detention is not

necessary.

7. Per contra, the learned APP submitted that, the quantity of the seized Ganja is big and offence is grave. Furthermore, investigation is in its early stage and this is not a fit case to grant bail.

8. I have given thoughtful consideration to the submissions made on behalf of the parties.

9. As per the prosecution case, the applicant and the co-accused Santosh Mane were present in the Ford Car when the raid was conducted and during the search of the said Car, in all 19.970 Kg. of Ganja was found. No doubt, said quantity is not commercial quantity because, commercial quantity for "Ganja" is 20 kg and above. But, the quantity of the seized Ganja falls just short of commercial quantity. It is true that, the aggregate quantity seized from all the accused can not be clubbed together for denying bail but the quantity of Ganja allegedly seized from the Ford Car is big, if not commercial quantity. Early investigation is in progress and offence is grave. As far delay in lodging FIR is concerned, as per the FIR, the bike rider was nabbed at about 11.35 p.m., thereafter, his person was searched and muddemal from his possession was seized and sealed. Thereafter, the Ford Car came to be searched and the muddemal found therein came to be searched and sealed. Whether the delay can be regarded as inordinate or not, would be decided at the appropriate stage. Looking at the gravity and nature of the

offence, amount of Ganja allegedly seized and stage of the investigation, I am not inclined to grant bail and the application is liable to be rejected. Hence, the following order:

ORDER

- 1) Application is rejected.
- 2) Since the application is filed online, separate physical copy of this order is not maintained. All concerned to act upon digitally signed copy of this order uploaded online.

Date : 14-07-2026

(R. V. Utpat)
Additional Sessions Judge,
Kolhapur.