


<u>CNR NO.MHLA070003902025</u> 	Spl.Case No.29/2025 State Vs. Gangaram & Ors.
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ORDER BELOW EXH.7

This application has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita seeking the release of accused No.1 on regular bail for an offence punishable under Sections 8(C) and 20(B)(2) of The Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Deoni Police Station, Deoni, Dist. Latur.

2. As per the accused No.1, the prosecution presents the case that, on 19.05.2025, A.P.I. Doke, upon receiving credible information, raided the land bearing Gat No.168 in village Togri at about 5:30 p.m. and found accused No.2 illegally and without a license cultivating and preserving Ganja. The Ganja plants were seized from the spot. Thereafter, accused No.1 was arrested at about 23:12 on the ground that he is the owner of the said field.

3. The accused No. 1 is innocent and falsely implicated in the offense. He is an agriculturist and has no connection with the Ganja recovery. The field was not under regular cultivation by the accused. It is situated away from the village and not frequently visited by him. Due to old age, he was unable to visit the farmland regularly. He was not aware of the existence of

Ganja plants on his farm. The accused did not resist the police. He was not found in possession of Ganja nor was he selling it. He is the sole earning member of his family, which depends on him. Proper procedures were not followed, and he was framed in a false case. He is willing to abide by any conditions imposed by the Court. Hence, he prays for the grant of bail.

4. Prosecution filed a reply and opposed the bail application. The charge-sheet reveals that the accused is the author of the crime. The seized quantity exceeds the commercial quantity. There is prima facie evidence against the accused in the offense. The prosecution is ready for a speedy trial. Therefore, the application is prayed to be rejected.

5. I heard learned Advocate for accused No.1 and learned A.P.P. It is submitted by the learned Advocate of accused No.1 that there is no evidence that accused No.1 cultivated Ganja. Merely being the owner is not sufficient to hold him guilty. There is no previous criminal record. There are no independent witnesses who identified the agricultural field of accused No.1. There is no separate search panchnama of the vehicles. The age and height of the Ganja trees are not mentioned in the panchnama. Hence, the learned Advocate prayed for the grant of bail.

6. Learned A.P.P. submitted that it is a commercial quantity of Ganja seized from the accused. Accused No.1 is the father of accused No.2. Accused No.1 is the owner of the land.

C.A. report is positive. Prima facie involvement of accused No.1 is proved. Hence, the application is prays for rejection.

7. As per Section 37(1)(b)(ii) of the N.D.P.S. Act, no accused shall be released on bail if the public prosecutor opposes the application, unless the court is satisfied that there are reasonable grounds for believing that the accused is not guilty of the offence and that he is not likely to commit any offence while on bail. Section 54 of the N.D.P.S. Act lays down a statutory presumption that, unless proven otherwise, it may be presumed that the accused has committed the offence concerning any opium poppy, cannabis plant, or coca plant growing on land that he has cultivated.

8. In view of these statutory provisions, it is to be seen whether there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence on bail.

9. I have reviewed the entire charge sheet, which specifically mentions in the panchnama that the police entered the mango field in Gat No.168 and conducted a raid. They caught accused No.2 on the spot. All notices and statements indicate that the seized items relate to Gat No.168. However, the 7/12 extract shows that many persons are listed as owners of Gat No.168. Except for accused No.2, no person identified the field as owned by accused No.1. Since accused No.2 is in custody, his statement is not relevant at this stage. Therefore, no

revenue map or other documents proving ownership by accused No.1 are on record to establish any presumption under Section 54 of the N.D.P.S. Act. Accused No.1 was not caught on the spot. Hence, there are reasonable grounds to believe he is not guilty of the offence. He is an elderly person, aged 68 years, with no previous criminal record. There is no evidence suggesting that accused No.1 was involved in selling Ganja. Therefore, he is unlikely to commit any offence while on bail.

10. Considering the abovesaid facts and circumstances, it is appropriate to grant bail to accused No.1 subject to certain conditions.

ORDER

1.	The application is allowed.
2.	The accused No.1 Gangaram Haku Chavan be released on bail bonds of Rs.1,00,000/- in connection with crime No.516/2025 registered with Deoni Police Station, Deoni, for the offences punishable under Sections 8(C), 20(B)(2) of The Narcotic Drugs and Psychotropic Substances Act, 1985 subject to the following conditions that -
a)	The accused No.1 shall not directly and indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;
b)	The accused No.1 shall not leave the jurisdiction of this Court without prior permission of this Court till the conclusion of the trial.
c)	The accused No.1 shall not commit a similar or any other

	kind of offence in future.
d)	The accused shall attend the police station Deoni once a month on the first Saturday between 10.00 a.m. and 11.00 a.m. till decision of trial.

Date : 22.09.2025

(D.B.Mhalatkar)
Additional Sessions and
Special Judge, Udgir