

MHLA070003902025



Order below Exh.37 in Special Case (NDPS)
No.29/2025
(State Vs. Gangaram + 1)

A) Case details :		
1.	FIR number and date	174/2025 Dt.19.05.2025 Special Case (NDPS) No.29/2025
2.	Police Station, District, State	Police Station Deoni, District Latur, State Maharashtra
3.	Sections invoked	Section 8-C, 20-B, 2-C of Narcotic Drugs and Psychotropic Substances Act.
4.	Maximum punishment prescribed	20 Years R.I.
B) Custody and procedural compliance :		
1.	Date of Arrest	19.05.2025
2.	Total period of custody undergone	09 months 14 days.
C) Status of trial :		
1.	State of proceeding	Evidence part heard.
2.	Total number of witnesses cited in the charge-sheet.	19
3.	Number of prosecution witnesses examined	05
D) Criminal antecedents :		
1.	FIR and Police Station	N.A.
2.	Sections	N.A.
3.	Status	N.A.
E) Previous bail applications :		
1.	Court	N.A.
2.	Case number	N.A.
3.	Outcome of case	N.A.
F) Coercive processes :		
1.	Whether any non-bailable warrant was issued	N.A.
2.	Whether declared a proclaimed offender	N.A.

Order
(Date 13.03.2026)

1) The applicant/accused Santosh Gangaram Chavan filed present application for regular bail in connection with offence bearing Police Station Deoni Crime No.174/2025 for commission of offence punishable under Sections 2, 8, 20-B of Narcotic Drugs and Psychotropic Substances Act.

2) The applicant/accused prayed for bail on the ground that he is having no concern with the land bearing survey No.168 situated in village Togari, Tq.Udgir. His name is not appearing as a holder of the land. He separated from accused No.1 since 6 to 7 years back and having no concern with the family of accused No.1. The complainant has no knowledge of the spot and his secret informer has not accompanied him. The applicant/accused is in jail since 08 months. Police falsely implicated the applicant/accused. There is no report of expert. Trial will not complete in near future. His liberty is gone without reasonable ground. There are lacunas in the investigation. There is no point to keep the accused in the jail. His family is suffering from starvation as he is only earning member. There is no reason to believe that accused is involved in the crime. He is ready to give bail and surety. He is having wife and three small children and there is no possibility of absconding. There is no possibility of tampering of evidence. Hence, he prayed for bail.

3) The investigation officer filed reply at Exh.48 through APP. The main objection against the bail application is that accused cultivated cannabis/Ganja and it is commercial quantity. Offence is serious and accused may tamper prosecution witnesses.

- 4) I heard learned advocate for accused and learned APP.
- 5) 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.
- 6) 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.
- 7) As per the charge-sheet and attached police papers applicant/accused caught red handed in the cultivation cannabis plants in the said Gat No.168. There is no evidence to show that he is not related with the said cultivation. There is presumption in favour of prosecution. There is no ground to believe that accused is not guilty of offence. It is commercial quantity. Almost all essential witnesses are examined. Learned APP filed application for summons to investigation officer and photographer. Hence, trial is likely to be completed within reasonable period. Therefore, the applicant/accused is not entitled for bail. Hence, I proceed to pass following order.

Order

Application (Exh.37) is rejected.

Date : 12.03.2026

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