

Cri. Bail Appl. No.235/2026
CNR No. MHOS010009342026

Dnyaneshwar Vasudeo Takale
Vs.
State of Maharashtra

A) Case Details :	
FIR Number and Date	43/2026
Police Station	Dhoki Police Station
District	Dharashiv (Osmanabad)
State	Maharashtra
Sections Invoked	U/Secs. 8(b) read with Section 18 of the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985
Maximum punishment prescribed	Rigorous imprisonment for not less than 10 years (extendable to 20 years)

B) Custody and Procedural Compliance :	
Date of Arrest	NA
Total period of custody undergone	NA

C) Status of Trial :	
State of proceedings (Investigation/Chargesheet/Cognizance/Framing of Charges /Trial)	Chargesheet is filed
Total number of witnesses cited in the chargesheet	32 witnesses

D) Criminal Antecedents :	
FIR No. and Police Station	NA

Sections	NA
Status(Pending/Acquitted Convicted)	NA
E) Previous Bail Applications :	
Court	NA
Case No.	NA
Outcome of case	NA

F) Coercive Processes :	
Whether any Non-Bailable Warrant was issued	NA
Whether declared a proclaimed offender	NA

ORDER BELOW EXH.1

1] This is an application filed by the applicant, Dnyaneshwar Vasudeo Takale, under Section 482 of the **Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS)**, seeking anticipatory bail in connection with **Crime No.43 of 2026** registered at Dhoki Police Station, Tq. and District Osmanabad, for the offence punishable under Section 8(b) read with Section 18 of the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985.

2] In short, the prosecution's case is that ASI Hanumant Gopal Purke of the Anti-Narcotics Task Force, Sambhajinagar, lodged a report at the Dhoki Police Station on 17.02.2026. It is alleged that on the same day, Police Inspector Bawgade of the Tuljapur Police Station informed him that secret information had been received indicating that the accused had cultivated opium

plants on their agricultural lands, bearing Block Nos. 142, 153, and 174, for financial gain. It is further alleged that the informant, along with police staff and panch witnesses, conducted a raid at the said location and found standing opium plants on those lands. Consequently, he lodged the report. On the basis of the said report, Crime No. 43/2026 was registered at the Dhoki Police Station for offences punishable under Section 8(b) read with Section 18 of the NDPS Act

3] In the present application, it is contended on behalf of the applicant that he is a respectable member of society and has no criminal antecedents. The applicant contends that he has not committed any offence and has been falsely implicated in the case. He has a permanent place of residence and owns immovable property. It is further submitted that he will neither tamper with the prosecution's evidence nor influence the witnesses. According to the applicant, there is no direct, indirect, or circumstantial evidence linking him to the alleged crime. He has expressed his willingness to cooperate fully with the investigating agency and, therefore, prays for the grant of anticipatory bail

4] The learned Assistant Public Prosecutor has filed a say at Exh.9 opposing the application. It is contended that the alleged offence is serious in nature. It is further submitted that the quantity of opium plants seized in the crime constitutes a commercial quantity. It is further submitted that, if released on

anticipatory bail, the applicant may tamper with the prosecution's evidence and exert pressure on the witnesses. It is further contended that the custodial interrogation of the applicant is necessary to ascertain the involvement of other persons and to unearth the full extent of the alleged offence. Hence, the prosecution has prayed for the rejection of the application for anticipatory bail.

5] Heard the learned A.P.P, Shri M.B. Deshmukh. He submitted that the alleged offence is serious in nature and is directed against society at large. He further urged that since a large quantity of contraband has been seized, the present application for anticipatory bail deserves to be rejected.

6] On the other hand, the learned Advocate Shri P.M. Nalegaonkar appearing for the applicant submitted that the applicant-accused has no nexus with the crime and has been falsely implicated therein. It is further submitted that the charge-sheet has already been submitted before the Court. Since the alleged contraband has already been seized, nothing further remains to be recovered or seized from the accused. Therefore, custodial interrogation of the applicant-accused is not necessary. It is further submitted that the applicant-accused is ready to abide by any terms and conditions that may be imposed by this Court while granting anticipatory bail. It is further submitted that in the same Crime No. 43 of 2026, the Hon'ble High Court, allowed the Bail Application

No.948 BA No.989 of 2026 and 1020 of 2026 filed by co-accused Limbraj Pandurang Lomte, Ramhari Namdev Lomte and Bubasaheb Narhari Lomte, wherein it observed that, “prima facie, it is doubtful whether the quantity can be said to be a commercial quantity.” Mr. Nalegaonkar, Ld.Advocate for the applicant-accused has submitted that the investigation part is over and chargesheet is submitted. Hence, he prayed for grant of bail application.

7] I have carefully considered the submissions advanced by the learned A.G.P for the State and the learned Advocate Shri P.M. Nalegaonkar appearing for the applicant. I have also perused the anticipatory bail application, the reply filed by the prosecution, the First Information Report, the charge-sheet, and the other material placed on record. At the outset, it is pertinent to note that the relief sought by the applicant is under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023. While considering an application for anticipatory bail, the Court is required to examine the nature and gravity of the accusation, the role attributed to the accused, the necessity for custodial interrogation, the possibility of tampering with evidence or influencing witnesses, and the overall requirements of a fair investigation.

8] The principal objection raised by the prosecution is that the offence is registered under the provisions of the Narcotic Drugs and Psychotropic Substances Act, 1985, and that a substantial quantity of alleged contraband opium plants has been seized. It is contended that the rigours of Section 37 of the NDPS Act are

attracted and, therefore, the applicant is not entitled to the discretionary relief of anticipatory bail.

9] However, upon perusal of the record, it appears that the investigation in the present crime has already been completed and the charge-sheet has been filed before the competent Court. Consequently, the evidence collected during the course of investigation has already been placed before the Court. The alleged contraband has also been seized by the investigating agency. Therefore, prima facie, no further recovery remains to be effected from the present applicant.

10] A significant circumstance which cannot be overlooked is that the co-accused, namely Limbraj Pandurang Lomate and Ramhari Namdeo Lomate, have already been granted bail by the Hon'ble High Court in Bail Application No. 989 of 2026 arising out of the same crime. While granting bail, the Hon'ble High Court made the following observations:

"In the present case, as is evident from the FIR, the alleged 82.830 kilograms of ganja was weighed in its entirety, i.e., the whole plants were collected and weighed on the spot. Equally, the Certificate of Inventory in respect of the seized muddemal under Section 52A(3) of the NDPS Act indicates that the gunny bags contained alleged ganja plants with greenish leaves and flowers. Thus, the Inventory Certificate indicates that the weight was measured by taking into account the entire plants. In these circumstances, prima facie, it is doubtful whether the quantity can be said to be a commercial quantity."

11] The aforesaid observations of the Hon'ble High Court assume significance at this stage. Though the merits of the prosecution case are not required to be examined in detail while deciding the present application, the observations of the Hon'ble High Court indicate that there exists a prima facie doubt regarding the actual quantity of contraband liable to be considered for determining whether the seized substance falls within the category of commercial quantity.

12] It is also pertinent to note that the present applicant seeks parity with the co-accused who have already been granted bail in respect of the same crime. The principle of parity is an important consideration while deciding bail applications, unless there exist distinguishing circumstances demonstrating a more serious or distinct role attributable to the applicant. At this stage, no such distinguishing feature has been pointed out by the prosecution which would justify denial of similar relief to the present applicant.

13] Further, the investigation having been completed and the charge-sheet having already been filed, the necessity for custodial interrogation of the applicant appears to have substantially diminished. The prosecution has not demonstrated that any specific recovery remains to be made from the applicant or that any material aspect of the investigation would be hampered if the applicant is granted the protection of anticipatory bail.

14] There is also nothing on record to indicate that the

applicant is likely to abscond, evade the process of law, or tamper with the prosecution evidence. Appropriate conditions can be imposed to safeguard the interests of the prosecution and to ensure the presence and cooperation of the applicant during the course of the trial.

15] It is well settled that, at the stage of considering an application for anticipatory bail, the Court is not expected to undertake a meticulous examination of the evidence or record findings on the merits of the prosecution case. The Court is only required to ascertain whether custodial interrogation is necessary and whether the applicant has made out a case for the exercise of discretionary jurisdiction under Section 482 of the B.N.S.S.

16] Considering the overall facts and circumstances of the case, particularly (i) the completion of the investigation and filing of the charge-sheet, (ii) the fact that the alleged contraband has already been seized, (iii) the observations made by the Hon'ble High Court regarding the doubtful nature of the alleged commercial quantity, (iv) the grant of bail to the co-accused in the same crime, and (v) the absence of any material indicating the necessity for custodial interrogation, this Court is of the opinion that the applicant has made out a case for grant of anticipatory bail. Hence, the application deserves to be allowed on suitable terms and conditions so as to secure the applicant's presence during the course of the trial and, at the same time, protect the interests of the prosecution.

ORDER

- 1) The application is allowed.
- 2) In the event of arrest of applicant/accused namely Dnyaneshwar Vasudeo Takale, in Crime No.43/2026 of Dhoki Police Station, Tq. & Dist. Osmanabad be released on furnishing PR bond of Rs.50,000/- and solvent surety of like amount.
- 3) Applicant/accused shall attend said Police Station as and when called for investigation of this crime and shall co-operate in the investigation.
- 4) Applicant/accused shall not tamper with prosecution evidence and witnesses in any manner.
- 5) Applicant/accused shall furnish his authenticated address proof.

Date : 18th June, 2026

(R.K. Khomane)
Special Judge,
Osmanabad

CERTIFICATE

I affirm that the contents of this P.D.F. file judgment are same word to word as per the original Judgment.

Name of the Stenographer	:	Golhe P.V., Stenographer Gr. I
Name of the Court	:	District Judge- 4 and Addl. Sessions Judge, Osmanabad
Date of Judgment	:	18.06.2026
Judgment signed by the presiding officer	:	18.06.2026
Judgment uploaded on	:	18.06.2026