

MHST010004592026



ORDER BELOW EXH. 3

IN SPECIAL CASE NO. 23 / 2026

Namdeo Laxman Mane ... **Applicant**

Versus

State of Maharashtra. ... **Opponent.**

1. This application seeking bail in connection with C.R. No. 5/2026 registered with Satara Taluka police Station for the offence punishable U/sec. 8, 20(A), 20(B), 20(B)(ii)(c) of Narcotics Drugs & Psychotropic Substances Act, 1985.

2. In short the prosecution story is that, the Satara Taluka Police received secret information on 08.01.2026. As per the same, the accused persons were indulged in planting and growing cannabis (Ganja) in their agricultural land. Accordingly, the raid was effected in which the police found one gunny bag containing dried cannabis and the cannabis plants. Thereafter, the police followed the procedure and confiscated the contraband article followed by the report.

3. The ld. advocate for the applicant/accused submitted that, there is strong doubt regarding compliance of mandatory provisions i.e. furnishing information in writing to higher authorities, taking search of accused and premises in presence of Gazetted Officer and confiscation. The inventory is also doubtful as there are scoring over the dates mentioned on the inventory.

As per the prosecution, the raid was effected on 08.01.2026 whereas the samples were forwarded to FSL on 17.01.2026 whereas the inventory is done on 09.01.2026 instead of 15.01.2026. Thus, there appears serious flaw and the possibility of planting cannabis cannot be ruled out. That apart, while weighing the contraband, the plants along with roots and mud was measured. As per the definition laid down by our Hon'ble Bombay High Court in the case of **Sunil Babu Londhe Vs. State of Maharashtra in Criminal Bail Application No.87 of 2026**, the flowering or fruiting tops of the cannabis plant can be termed as cannabis. Here, the prosecution has weighed entire plant and therefore, the alleged recovery would not falls under commercial quantity. The accused has no previous record to his dis-entitlement and thus, the learned Advocate prayed for grant of bail.

4. Per contra, the Ld. A.PP and I.O. for the State by filing say (Exh.06) strongly opposed the application. The learned APP submitted that as per the law laid down by the Hon'ble Punjab and Haryana High Court in **Sanjay Upadhya Vs. State of Punjab reported in CRM-M-44787 of 2023**, the definition of cannabis i.e. Ganja includes seeds and leaves when both are accompanied by the tops. As per the learned APP, the investigation agency has seized dried cannabis as well as plants from the field of the accused. Thus, the quantity so recovered is a commercial and therefore, the accused is not entitled for the bail.

5. With the help of both sides, gone through the application, say and the authorities relied by both sides. The

Hon'ble Bombay High Court in the case of **Sunil Londhe (supra)** dealt with definition of Ganja as laid down in Sec.2(iii)(b) of NDPS Act. The definition is considered by the Hon'ble Punjab and Haryana High Court in **Sanjay Upadhyay (supra)**. The Hon'ble High Court, on relying law laid down by Hon'ble Apex Court held thus, *the seeds and leaves are excluded from definition of Ganja only when the same are not accompanied by the tops*. Thus, as per the precedent laid down, if the flowering and fruiting tops are present along with leaves and seeds, the same amounts to Ganja.

6. The investigation agency has confiscated Ganja to the tune of 51.275 kg. The commercial quantity as defined under the Statute is of 20 kg. Thus, the quantity so found is undoubtedly commercial quantity.

7. The accused is questioning the procedure adopted by investigation agency while effecting raid along with the inventory. The accused is also questioned the conscious possession of the accused over the agricultural land where the plants were found. So far these aspects are concerned, those can be considered at the time of trial. Thus, considering the quantity so found, in my view, this is not a fit case for grant of bail. Thus, following order :-

ORDER

The application is rejected.

Date :- 06.04.2026.

(A.M. Shete)
Special Judge (NDPS), Satara