

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO.750 OF 2023

Bharat Bhiku Talekar ..Applicant
Versus
The State of Maharashtra ..Respondent

Mr. Gaurav Parkar, for the Applicant.
Mr. K. V. Saste, APP for the Respondent/State.

CORAM : NITIN W. SAMBRE J

DATED : 8th AUGUST, 2023

P.C.:

1. Heard learned Counsel for the Applicant.
2. The reliance is placed on the judgment of the Apex Court in the matter of ***Simarnjit Sigh vs. State of Punjab*** reported in ***2023 SCC Online SC 906*** decided on 09/05/2023 so as to claim that the provisions of sub-section (2) of Section 52A of NDPS Act is not complied with.
3. Neither such ground was raised before this Court nor canvassed, as such the Court below had no occasion to consider the contentions on the aforesaid issue.
4. That being so, the present Application stands disposed of with liberty to canvass the ground of non-compliance of the Section 52A of the NDPS Act before the Court below.

(NITIN W. SAMBRE, J.)