



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

949 BAIL APPLICATION NO. 1818 OF 2024

GAFOOR KHAN @ BABA KAREEM KHAN
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Nannaware Sachin Madukar
APP for Respondent-State : Mr.A.A.A. Khan

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CORAM : S. G. MEHARE, J.

DATE : 23rd October, 2024.

P.C.:

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant seeks bail in Crime No.219 of 2024 registered with Jinsi Police Station, for the offences punishable under sections 8(c), 22(B) and 29 of the Prevention of Narcotic Drugs and Psychotropic Substances Act (for short, "NDPS Act").
3. The applicant was carrying the Alprazolam Tablets IP Alprazo 0.5. He was carrying around 900 strips in bag. The said contraband was recovered from the spot of the incident. However, the Investigating officer had took the samples on the spot of the incident, which was in violation of rules 8, 9 and 10 of the NDPS Rules.
4. The Hon'ble Supreme Court in the case of ***Simranjit Singh @ Roda Vs. State of Punjab, 2023 LiveLaw SC (570)*** has held that taking samples on the spot of incident is a legal defects for which the accused is to be acquitted. Since the mandatory Narcotic Drugs and

Psychotropic Substances (Seizure, Storage, Sampling and Disposal) Rules, 2022 have been violated, the applicant deserves bail. Hence, the order:

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **GAFOOR KHAN @ BABA KAREEM KHAN** be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of like amount, in the above crime for the aforesaid offences, on the following conditions :

- (a) The applicant should not tamper with the prosecution witnesses.
- (b) He should attend the concerned police station as and when required on the written notice by the Investigating Officer, till the filing of the chargesheet.

(S.G. MEHARE, J.)