

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.183 OF 2024

Sandeep Himmatlal Pithadia ... Applicant
Vs.
Union of India and another ... Respondents

Mr. Ajay Laxman Bhise for Applicant.
Mr. Rushikesh Munde for Respondent No.1.
Mr. Babu V. Holambe-Patil, APP for Respondent No.2-State.

CORAM : MANISH PITALE, J.
DATE : DECEMBER 04, 2024

P.C. :

. In this application, two specific grounds have been raised in support of the bail application. The first ground pertains to the question of the tablets seized in the present case in different pouches, being mixed and placed in one single self-sealing transparent plastic pouch, and thereafter the samples being drawn. According to the learned counsel for the applicant, this vitiates the entire procedure and therefore, a strong *prima facie* case is made out in favour of the applicant. The second ground is that, the presence of the C.R. number in the form of F No.DRI/MZU/NS -II/INT-103/2022 on tag attached to the said self-sealing transparent plastic pouch creates a serious doubt about the genuineness of the seizure of the tablets containing contraband in terms of the seizure *panchanama* executed on 20/21.10.2022.

2. In view thereof, as regards the first ground, the learned counsel appearing for the respondent DRI has made certain submissions, but with regard to the second ground, the factual position as regards the procedure adopted in such cases will have to be placed on record. It is

submitted that the said number, which is found on the tag is generated after the investigating authority, during the course of seizure, reaches a preliminary conclusion that the material seized contains contraband.

3. A responsible officer of the respondent DRI shall file an affidavit, explaining the procedure and as to the point in time when the said number is generated during the course of such exercise being undertaken. The affidavit be filed within two weeks from today.

4. List the application for further consideration on 19.12.2024 in the supplementary list.

(MANISH PITALE, J.)

Minal Parab