

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2053 OF 2024

Akil Ibrahim Momin

...Applicant

Versus

The State of Maharashtra

...Respondent

- Mr. Raviraj R. Paramane, for Applicant.
- Ms. Rutuja Ambekar, APP for Respondent.

CORAM: MANISH PITALE, J.

DATE : 24th SEPTEMBER, 2024.

P. C. :

1. During the course of arguments, it was brought to the notice of this Court that in the seizure *panchanama* itself two sets of samples were drawn on 16.07.2023 labeled as A1, B1, C1 and D1 for one set and A2, B2, C2 and D2 for the other set. The inventory *panchanama* before the Magistrate in the present case was executed on 21.07.2023 and it was recorded that samples labeled as A1, B1, C1 and D1 were sent for Chemical Analysis while inquest *panchanama* was executed in the context of sample labeled A2, B2, C2 and D2. The record also reveals that on 18.07.2023 itself the concerned Police Officer sent the samples labeled as A1, B1, C1 and D1 for chemical analysis to the chemical analyzer.

2. It is submitted on behalf of the applicant that this clearly violated the mandatory requirement under Section 52A of the Narcotic Drugs and

Psychotropic Substance Act, 1985. The samples drawn at the time of seizure were directly sent for chemical analysis and hence, a strong *prima facie* case is made out in favour of the applicant.

3. The learned APP submitted that short adjournment may be granted to ascertain as to what happened to the samples labeled A2, B2, C2 and D2, in respect of which inventory *panchanama* was executed on 21.07.2023 before the Magistrate.

4. In this backdrop, list this application for further consideration on 04th October, 2024, to be included in the “Supplementary List.”

(MANISH PITALE, J.)