

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2287 OF 2024

Prakash Baburao Shelke

Applicant

versus

1. Amjab Shaikh,
2. The State of Maharashtra

Respondents

Adv.Sana Raees Khan with Mr.Aditya Parmar and Adv.Juhi Kadu for Applicant.

Mr.Rushikesh Munde (SPP) with Mr.Tejas Bhattacharya for Pune Customs (Respondent no.2.)

Mr.S.s.Ghag, APP, for State.

CORAM : ANIL S.KILOR, J.

DATE : 17th October 2024

PC :

1. Heard.
2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.2 of 2020 registered with Pune Customs for the offences punishable under Sections 8(c), 20b(ii), 25, 29(I) of NDPS Act.
3. Learned counsel for Applicant argues that there is no compliance to Section 52-A as the samples drawn before the Magistrate were sent to the FSL after three years of the seizure.
4. Learned counsel for applicant has relied on following decisions:

- a. Union of India Vs. Mohanlal & anr. (Supreme Court – Criminal Appeal No.652/2012, dated 28-1-2016)
- b. Mohammed Khalid & anr. Vs. State of Telangana 2024-SCC OnLine-SC-213,
- c. Mangilal Vs. The State of Madhya Pradesh, 2023-LiveLaw-(SC)-549
- d. Salim Akbar Khan Vs. The State of Maharashtra, (Bombay High Court – BA No.3337/2023, dtd.3-4-2024)
- e. Balwinder Singh Vs. State of Punjab and another, Supreme Court – Special Leave to Appeal (Cri) No.8523/2024 dated 9-9-2024.
- f. Rup Bahadur Magar @ Sanki @ Rabin Vs. State of W.B. Supreme Court – Criminal Appeal No.4144 of 2024, dated 4-10-2024

5. On the other hand, while opposing the application learned counsel for Respondent points out that trial is almost over and only one witness is remained to be examined and on 18th October 2024 the matter is fixed for recording evidence.

6. Considering the fact that trial is almost over and only one witness is remained to be examined and there is every likelihood that in short period the trial will be concluded, I am not inclined to grant bail. Accordingly the application is rejected.

(ANIL S.KILOR, J.)