

IN THE HIGH COURT OF JUDICATURE AT BOMBAYCRIMINAL APPELLATE JURISDICTIONCRIMINAL BAIL APPLICATION NO. 2309 OF 2024

Rutik Kailas Tembhurne ... Applicant.

V/s.

The State of Maharashtra ... Respondent.

Mr Tapan thatte i/b Vivek N. Arote, Advocate for Applicant

Shri Pandurang H. Gaikwad-Patil APP for the State.

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CORAM : ANIL S. KILOR, J.

DATED : OCTOBER 08, 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.274 of 2023, registered with Police Station, Chandannagar, District: Pune for the offences punishable under Sections 8(c), 20(b)(ii)(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ("NDPS Act" for short).
3. The learned counsel for the applicant makes the only submission that there is no compliance of Section 52-A of the NDPS Act as the samples which were drawn before the Magistrate were never

sent to Forensic Science Laboratory. Whereas, while opposing the application, the learned APP has pointed out the report dated 13/09/2024 of Forensic Science Laboratory.

4. On perusal of the said report, it is evident that the samples which were drawn before the Magistrate were sent to Forensic Science Laboratory and the report is received. The report categorically states that the contraband seized from the applicant is Ganja. No doubt, the quantity seized from the applicant is a commercial quantity.
5. The report of Forensic Science Laboratory, Pune, tendered in the Court, is taken on record and it is marked as "X" for the purpose of identification.
6. The learned APP has pointed out the compliance of Section 52-A of the NDPS Act. Hence, I do not find any merit in the submission of the learned counsel for the applicant that there is no compliance of Section 52-A of the NDPS Act. In that view of the matter, the application is **rejected**.

(ANIL S. KILOR, J)