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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.1661 OF 2024

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Mohd Hadees Mohd Ismile ... Applicant
V/s.
Union of India & Anr. ... Respondents

**WITH
BAIL APPLICATION NO.893 OF 2024**

Moiz Shabbir Lokhandwala ... Applicant
V/s.
Narcotic Control Bureau & Anr. ... Respondents

**WITH
BAIL APPLICATION NO.3688 OF 2024**

Mohammed Salman Mohammed Shafi ... Applicant
V/s.
The State of Maharashtra & Anr. ... Respondents

Ms. Arsuma Sahel i/by Mr. Taraq Sayed for the
applicant in BA/1661/2024.

Ms. Lochan P Chandka for the applicant in
BA/3688/2024.

Ms. Megha S. Bajoria, APP for the State.

Mr. Shriram Shirsat, APP with Ms. Karishma Rajesh
and Mr. Shikhar Mane for the respondent (NCB).

CORAM : AMIT BORKAR, J.

DATED : JULY 15, 2025

P.C.:

1. The present case reveals an unfortunate state of affairs,

wherein a statement came to be recorded by this Court on the basis of instructions given by the Investigating Officer, to the effect that the last witness for the prosecution, namely the Investigating Officer himself, was in the witness box. Relying upon such statement, this Court proceeded to decide and dispose of the bail applications filed in the matter. However, it has now come to the notice of this Court that during the recording of the evidence of the Investigating Officer, it has emerged that the prosecution intends to examine three more witnesses.

2. In view of the above development, it becomes necessary for this Court to observe that Investigating Officers, while issuing instructions to the learned Public Prosecutor, are expected to exercise due care and caution. It is imperative that the Investigating Officer must be fully aware of the total number of witnesses that are yet to be examined by the prosecution. Making such statements in a casual and irresponsible manner, with an intention to obtain orders favourable to the prosecution, is highly improper and cannot be permitted. The Investigating Officer must bear in mind not only the interest of the prosecution but also the constitutional rights of the accused, especially the right to liberty, and the right of the victim to fair trial. It is indeed unacceptable that on the very day such a statement was made, when the Investigating Officer himself was under examination, neither the said officer nor the Public Prosecutor was aware of the fact that further evidence was yet to be led. As a result, this Court has disposed of the applications based on such a misleading and casual statement, which has caused avoidable prejudice.

3. In these circumstances, this Court deems it appropriate to record that in future, Investigating Officers shall remain vigilant and shall properly apprise the Public Prosecutor of the status of evidence. In case of any future lapses of this nature, this Court shall be constrained to fix responsibility upon the concerned officers for the consequences arising out of such misleading or inaccurate instructions. Considering the peculiar facts of the present case, and in the interest of justice, the learned Special Court is directed to conduct the trial on a day-to-day basis, without unnecessary adjournments, and to ensure that the trial is concluded positively by the end of this month.

4. Stand over to 4th August 2025 for compliance and further directions, if any.

(AMIT BORKAR, J.)