

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.3847 OF 2024

Danish Shaikh	.. Applicant
Versus	
The State of Maharashtra	.. Respondent

WITH
BAIL APPLICATION NO.1266 OF 2024

Samad Haroon Umatiya	.. Applicant
Versus	
The State of Maharashtra	.. Respondent

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- Ms. Ilsa Shaikh, Advocate for Applicant in Bail Application No.3847 of 2024.
 - Mr. S. B. Talekar a/w. Ms. Madhavi Ayyapan, Advocates i/by Talekar & Associates for Applicant in Bail Application No.1266 of 2024.
 - Ms. Megha Bajoria, SPP for Respondent – Customs.

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CORAM : MILIND N. JADHAV, J.
DATE : JANUARY 30, 2025

P.C.:

- 1.** Heard Ms. Shaikh, learned Advocate for Applicant in Bail Application No.3847 of 2024; Mr. Talekar, learned Advocate for Applicant in Bail Application No.1266 of 2024 and Ms. Bajoria, learned SPP for Respondent – Customs.
- 2.** Learned Advocate in Bail Application No.3847 of 2024 would inform the Court that she will serve copy of Bail Application on Ms. Bajoria, learned SPP who has been appointed to espouse the cause of Respondent – State of Maharashtra.
- 3.** Considering the submissions made by Mr. Talekar,

intervention of the Court is required in the present case as he would submit that there is *prima facie* non-compliance of provision of Section 42 of the Narcotics and Psychotropic Substances Act, 1985 (for short '**NDPS Act**') which are required to scrupulously followed while effecting search and seizure.

4. He would submit that authorisation letter is post-dated pursuant date of search and seizure and that itself be adequate ground for consideration. Applicants are incarcerated for more than 1 year 7 months and 22 days.

5. Ms. Bajoria would inform the Court that copy of Bail Application of Accused No.2 which has been tagged alongwith Bail Application No.1266 of 2024 has not been served. She would also inform the Court that reply needs to be filed. Let Affidavits-in-Reply in both cases be filed within a period of one week and copy be served on Advocates for Applicants.

6. Stand over to **06th February, 2025**. To be placed under the caption '**First on Board**'.