

Ajay

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

CRIMINAL BAIL APPLICATION NO. 1741 OF 2024

Okeke Chinonso Goodluck

.. Applicant

Versus

The State of Maharashtra

.. Respondent

-
- Ms. Mallika Sharma a/w. Zehra Charania, Advocate i/by Mr. Ayaz Khan, Advocate for Applicant.
 - Mr. Balraj B. Kulkarni, APP for Respondent – State.
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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 24, 2025.

P.C.:

- 1.** Mentioned at the time of rising of the Court.
- 2.** Heard Mr. Sharma, learned Advocate for Applicant and Ms. Kulkarni, learned APP for Respondent – State.
- 3.** Present Application seeks grant of bail. Applicant is indicted in C.R. No.16 of 2022 for the offences punishable under Sections 8(c) read with 21(c) and 29 of the Narcotic Drugs and Psychotropic Substance Act, 1985 Act and Sections 14A(b) of the Foreigners Act, 1946.
- 4.** Ms. Sharma would submit that there is an apparent discrepancy in the seizure panchnama if compared to the 52A certificate wherein there were specifically two plastic bags of the

alleged contraband which are seen and confiscated which find mention in the seizure panchnama, but at the time of undertaking the exercise under Section 52A it is seen that one of the plastic bag is missing.

5. She would submit that Rule 10 of the NDPS Rules require the prosecution to draw out separate sample from each bag on confiscation which is not been followed by the prosecution. That apart, she would submit that names of the *panchas* are also missing in the FIR. She would submit that the visual description of the alleged contraband at the time of seizure as stated in the seizure panchnama does not match with its description in the 52A certificate and it is *prima facie* different.

6. Prosecution shall take cognizance of the aforesaid submissions raised by the Advocate for Applicant and address the Court on the next adjourned date on the same.

7. Considering the long incarceration of the Applicant as pleaded by Ms. Sharma, list the Bail Application on board on **13th March, 2025**. To be placed on the ‘**Supplementary Board**’.

[MILIND N. JADHAV, J.]

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