

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2286 OF 2024

Prashant Kumar Rambabu Singh .. Applicant

Versus

The State of Maharashtra .. Respondent

.....

- Ms. Mallika Sharma i/by Mr. Ayaz Khan, Mr. Dilip Mishra & Ms. Zehra Charania for Applicant
- Mr. R.M. Pethe, APP for State.

.....

CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 20, 2025

P. C.:

1. Mentioned at the time of rising.
2. Heard.
3. Ms. Sharma, learned Advocate for Applicant would submit that indictment of the Applicant is under NDPS Act for being apprehended with 1 kg & 30 grams of Charas which is 30 grams above the commercial quantity. She would submit that there is large scale discrepancy in procedure of seizure carried out by the prosecution. She would submit that Applicant was apprehended at 6:00 p.m. with the alleged contraband but FIR was lodged at 12 midnight on the same day. She would submit that CR Number appearing on the alleged seized contraband when sent for 52-K certificate before the Magistrate bears the label along with CR Number at the time of arrest

of Applicant at 6:00 p.m. which is impossible considering that the FIR has been lodged six hours thereafter. That apart she would submit that signatures of the Assistant Police Inspector Mr. Mahajan and two police personnel on the seal on the label of packets as per the memorandum panchnama / seizure panchnama are not appearing when the said packets are produced for 52-A exercise. The same can be seen from the photograph which is at page No. 97 of the Applicant as argued by learned Advocate.

4. Learned APP is directed to take instructions in respect of the above submissions and apprise the Court on the next adjourned date.

5. Stand over to **26th March, 2025 at 2:30 p.m.**

[MILIND N. JADHAV, J.]

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