

Prasad Rajput

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2716 OF 2024

Hemant Parasmal Sethia	.. Applicant
Versus	
State of Maharashtra	.. Respondent

CRIMINAL BAIL APPLICATION NO. 2894 OF 2024

Vikas Champaklal Jain	.. Applicant
Versus	
State of Maharashtra	.. Respondent

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- Ms. Mallika Sharma i/b Ayaz Khan, Advocate for Applicant.
 - Ms. Megha S. Bajoria, APP for State.
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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 26, 2025

P. C.:

- 1.** Mentioned out of turn at the time of rising of the Court.
- 2.** Heard Ms. Sharma, learned Advocate for Applicant and Ms. Bajoria, learned APP for State.
- 3.** This is a group of two applications wherein both the Applicants are arrayed as co-accused. Ms. Sharma would draw the Court's attention to the fact that alleged contraband which has been confiscated and seized is cough syrup amenable to the provisions of the NDPS Act.

3.1. She would draw my attention to page No.406 of the Application wherein the manufacturing company has itself endorsed the fact that they have manufactured the alleged cough syrup under its statutory license and it does not fall within the purview of the NDPS Act and / or rules made therein.

3.2. Reference is also invited by her to standing orders 1 of 88 and 1 of 89 under which the manufacturing of the alleged contraband has been made and it stands outside the purview of the NDPS Act.

3.3. That apart she would also submit that there is a *prima facie* dichotomy in the memorandum panchanama / seizure panchanama because even before the said seizure panchanama is completed Applicants have been produced for medical examination which is apparent from the record of the case.

4. A Copy of this order shall be served on the prosecution by the learned Advocate for Applicant .

5. Learned APP shall take cognizance of the aforesaid issue and take appropriate instructions from the concerned Investigating Officer and apprise the Court on the next adjourned date.

6. Stand over to **11th March, 2025**. To be listed on the Supplementary Board.

[MILIND N. JADHAV, J.]