

Ajay

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

CRIMINAL BAIL APPLICATION NO. 2956 OF 2024

Mahesh Manohar Kavankar

.. Applicant

Versus

The State of Maharashtra

.. Respondent

-
- Mr. Rajkumarlaxman Arjunrao Rajhuns, Advocate for Applicant.
 - Ms. Rajshree V. Newton, APP for Respondent – State.
-

CORAM : MILIND N. JADHAV, J.

DATE : APRIL 24, 2025.

P.C.:

1. Heard Mr. Rajhuns, learned Advocate for Applicant and Ms. Newton, learned APP for Respondent – State.

2. In the present case, Applicant is in prison for the past more than 3 years and ½ years for the offences punishable under the Narcotic and Psychotropic Substances Act, 1985 (for short “**NDPS Act**”). He was apprehended with more than 600 bottles of the alleged contraband cough syrup bottles manufactured by a company called ‘Laborate’. Even according to prosecution case it is *prima facie* seen that alleged contraband was kept in 3 cardboard boxes placed next to the Applicant.

3. In the present crime, there are 2 Accused persons. Other co-accused who accompanied the Applicant has been enlarged on bail by

the Court as informed by the learned Advocate for Applicant.

4. Learned Advocate for Applicant would submit that Applicant is an Electrician by profession which is also borne out from the Intelligence Input Information which was received by the prosecution and appended at page No.55 of the Application. He would submit that there is no appraisal of his right under Section 50 of the NDPS Act complied with by the prosecution which can be seen from the documents annexed to the Application. Non-compliance of the provisions of Section 50 in the present case itself is a substantial ground for considering the Applicant's case for grant of bail apart from his long incarceration pending trial for the past 3 and ½ years which itself is a strong case made out by the Advocate for Applicant for bail.

5. Learned prosecutor shall take appropriate instructions and apprise the Court on the next adjourned date on the aforesaid issues to enable the Application to be considered.

6. List the Bail Application on Board on **2nd May 2025**. To be placed under the caption '**First on Board**'.

[MILIND N. JADHAV, J.]

Ajay

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by AJAY
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