

HARSHADA H. SAWANT  
(P.A.)

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

**BAIL APPLICATION NO.3800 OF 2024**

Arif Hamid Shaikh @ Michael

.. Applicant

**Versus**

The State of Maharashtra

.. Respondent

.....

- Mr. Kamlesh Satre, Advocate for Applicant.
- Mr. Sukanta A. Karmakar, APP for Respondent - the State of Maharashtra.

.....

**CORAM : MILIND N. JADHAV, J.**

**DATE : FEBRUARY 07, 2025**

**P.C.:**

- 1.** Mentioned out of turn at the time of rising of the Court.
- 2.** Heard Mr. Satre, learned Advocate for Applicant and Mr. Karmakar, learned APP for Respondent - the State of Maharashtra.
- 3.** This is an Application under Section 439 of Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') seeking Bail in connection with First Information Report No.1164 of 2023 registered with Bandra Police Station for offences punishable under Sections 8(c) read with Section 22(b) of the Narcotics and Psychotropic Substances Act, 1985 (for short 'NDPS Act').
- 4.** On page No.34 of Application from the seizure panchanama it is evident that Applicant has been searched by police constable on the instructions of the designated Police Inspector who is supposed to

carry out search under provisions of Section 42 read with Section 50 of the NDPS Act.

**5.** That being the case, the prosecution is directed to apprise the Court on taking appropriate instructions from Investigating Officer so that appropriate orders can be passed.

**6.** Applicant is in incarceration since 09.08.2023. The contraband recovered from his possession is 52 grams alongwith polythene bag. That is another issue on merits which he wants to argue. However procedure required to follow while seizure is concerned, the prosecutor shall take appropriate instructions and apprise the Court on the next adjourned date. Copy of this order shall be served on Respondent.

**7.** Stand over to 17<sup>th</sup> February, 2025 at 02:30 p.m.

H. H. SAWANT

[ MILIND N. JADHAV, J. ]

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by HARSHADA  
HANUMANT  
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