

Ajay

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

CRIMINAL BAIL APPLICATION NO. 4120 OF 2024

Salim Iqbal Shaikh	.. Applicant
Versus	
The State of Maharashtra	.. Respondent

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- Mr. Kamlesh Satre, Advocate for Applicant.
 - Mr. Hitendra J. Dedhia, APP for Respondent – State.
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CORAM : MILIND N. JADHAV, J.

DATE : MARCH 06, 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. Dedhia, learned APP for Respondent – State.
- 3.** Applicant is arrested in offences punishable under the provisions of the Narcotics Drugs and Psychotropic Substances Act, 1985 (for short '**NDPS Act**'). He was found in possession of 80 grams of the alleged contraband MD which is a commercial quantity.
- 4.** However, Mr. Satre would persuade the Court to consider two specific grounds; firstly he would submit that there is no endorsement of the Applicant obtained on the Application given to the Application under Section 50 of the NDPS Act which is appended at page No.29 of the Application and secondly he would submit that the

inventory panchnama appended at page No.65 of the Application encloses certificate issued by the Magistrate which is not in Form 5 as prescribed by the Narcotics Drugs & Psychotropic Substances (Seizure, Storage, Sampling and Disposal) Rules, 2022. The date of the inventory panchnama is 10.05.2023 and hence he would submit that considering the enactment and coming into force of the above Rules in the month of November 2022, the prescribed procedure has not been followed by the prosecution.

5. The aforesaid case is clearly covered by the recent decision of this Court in the case of ***Chandrabhan Janardhan Yadav Vs. State of Maharashtra*** passed in Criminal Bail Application No.2254 of 2024 and companion Applications dated 04.03.2025.

6. Mr. Dedhia, learned APP is directed to take appropriate instructions on the aforesaid submissions made by Mr. Satre and apprise the Court on the next adjourned date.

7. Stand over to **01st April, 2025**. To be placed on the 'Supplementary Board'.

[MILIND N. JADHAV, J.]

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AJAY TRAMBAK
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Date: 2025.03.06
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