

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.4802 OF 2024

Parminder Kumar Sharma

.. Applicant

Versus

Union Of India and Anr.

.. Respondents

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- Mr. Sherali S. Khan, Advocate for Applicant.
- Mr. Shreeram Shrisat, SPP a/w. Mr. Shekhar V. Mane, Advocate for Respondent No.1.
- Mr. Rushikesh M. Pethe, APP for Respondent No.2.

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CORAM : MILIND N. JADHAV, J.

DATE : APRIL 07, 2025

P.C.:

1. Heard Mr. Khan, learned Advocate for Applicant and Mr. Shrisat, learned SPP for Respondent No.1 and Mr. Pethe, learned APP for Respondent No.2.

2. In the present case Applicant has been incarcerated in prison from 20.12.2023 in offence punishable under provisions of under Narcotic Drugs and Psychotropic Substances Act, 1985 (for short '**NDPS Act**') solely on basis of statement of co-accused as delineated in the order dated 24.03.2025.

3. That apart, Mr. Khan has immediately brought to the notice of the Court the fact that seized contraband was nomenclatured as 'Amphetamine' but C.A. Report appended at page No.369 of Application, identifies the seized contraband as 'Ephedrine' which is a

controlled substance under NDPS Act.

4. Considering the indictment of Application solely on basis of co-accused statement same stands fully covered by the decision of Supreme Court in the case of *Tofan Singh Vs. State of Tamil Nadu*¹.

5. In so far and identification and nomenclature of alleged contraband concerned, learned APP shall take appropriate instructions and apprise the Court on the next adjourned date.

6. Mr. Shirsat, learned SPP would persuade the Court to allow him to file Affidavit-in-Reply. The time to file Affidavit-in-Reply stands extended on request of Mr. Shirsat, learned SPP.

7. It is clarified that if Affidavit-in-Reply is not filed, this Court shall decide the present Application strictly in accordance with law on merits of the matter which shall be noted by prosecution.

8. Stand over to **15th April, 2025**. To be placed under the caption '**First on Board**'.

H. H. SAWANT

[MILIND N. JADHAV, J.]

¹ (2021) 4 SCC 1.