

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

CRIMINAL BAIL APPLICATION NO. 4821 OF 2024

Sureshkumar Sairam Bishnoi

...Applicant

VERSUS

The State of Maharashtra

...Respondent

....

Ms. Ashwini Acharii, Mr. Anish Pereira i/b Mr. Taraq Sayed,
Advocate for the Applicant.

Mr. T. G. Khan, A.P.P. for the Respondent – State.

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CORAM : N. R. BORKAR, J.
DATE : 22.04.2025.

P.C.:

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No. 1053 of 2023 registered at Hinjewadi Police Station, Pimpri-Chinchwad for the offences punishable under Sections 8(c), 15(b), 22(c) & 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.
3. On 07.09.2023 the applicant and the co-accused were apprehended by the patrolling squad as their activities were found to be suspicious. The search of the present applicant and other co-accused was taken. During the search 1.705 k.g of poppy straw was found in possession of the co-accused and 61 gram of Mephedrone

was found in possession of the present applicant.

4. I have heard the learned counsel for the applicant and the learned APP for the respondent/State.

5. The learned counsel for the applicant submits that in the seizure panchanama contraband found in possession of the co-accused is marked as P-1 and the contraband found in the possession of the present applicant is marked as P-2. However, in the certificate issued by the Magistrate under Section 52A of the NDPS Act, the contraband found in possession of the present applicant is marked as P-1 and the contraband found in the possession of the co-accused is marked as P-2. It is submitted that according to the certificate the photographs of the contraband were taken however, the said photographs are not produced alongwith the charge-sheet. It is further submitted that there is a non-compliance of Section 50 of the NDPS Act. The learned counsel for the applicant submits that the applicant is in jail for one and half years and there are no other criminal antecedents. It is further submitted that Sessions Court has already released the co-accused on bail.

6. On the other hand, the learned APP for the respondent/State submits that commercial quantity of contraband was found in the possession of the applicant. It is submitted that the applicant cannot take benefit of the typographical error in the certificate issued by the Magistrate. Learned APP submits that considering the nature of crime the applicant may not be released on bail.

7. *Prima-facie*, there appears to be substance in the submission of the learned counsel for the applicant in relation to the discrepancy in the seizure panchanama and the certificate issued by the Magistrate. The applicant is in jail for one and half years and there are no other criminal antecedents. Considering the overall facts and circumstances of the case, I am inclined to release the applicant on bail. In the result, the following order is passed:

ORDER

A] The Application is allowed.

B] The applicant be released on bail in Crime No. 1053 of 2023 registered at Hinjewadi Police Station, Pimpri-Chinchwad for the offences punishable under Sections 8(c), 15(b), 22(c) & 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

C] The applicant shall attend the concerned police station once in a month, i.e., on first Saturday between 11:00 am to 2:00 pm, till conclusion of the trial.

8. Application stands disposed of accordingly.

(N. R. BORKAR, J.)