

Ajay

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

**CRIMINAL BAIL APPLICATION NO. 4823 OF 2024**

Jaybharat Rupsingh Rathod

.. Applicant

**Versus**

Union of India and Anr.

.. Respondents

- .....
- Mr. Anish Pereira a/w. Ms. Ashwinii Acharii, Advocates i/by Taraq Sayed for Applicant.
  - Ms. Mahalakshmi Ganapathy, APP for Respondent No.2 – State.
- .....

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

**DATE : FEBRUARY 20, 2025.**

**P.C.:**

**1.** Heard Mr. Pereira, learned Advocate for Applicant and Ms. Ganapathy, learned APP for Respondent No.2 – State. None appears for Respondent No.1 – Union of India.

**2.** This is an Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking Regular Bail in connection with F.No.NCB/MZU/CR-43 of 2021 registered with NCB, Mumbai Zonal Unit Mumbai for the offences punishable under Sections 8(c), 20(b)(ii)(B), 20(b)(ii)(C), 25, 27-A, 28 and 29 of the Narcotics Drugs and Psychotropic Substances Act, 1985.

**3.** Today, Application is listed on the supplementary board. As usual Respondent No.1 – Union of India is not represented by any

Advocate / Counsel before the Court. Applicant is incarcerated since 25.04.2021. Applicant was apprehended with 28 kgs of alleged contraband i.e. Ganja.

**4.** Mr. Pereira claims parity for the Applicant since one of the Original co-Accused Nos.2 and 3 who were apprehended with possession of 12 kgs of the alleged contraband have been granted bail by the Supreme Court by order dated 06.12.2024 considering their long period of incarceration undergone which was more than 3 years and 2 months.

**5.** There are 2 other issues raised by the learned Advocate for Applicant on merits of the matter, *inter alia*, stating that there is gross violation of the standing orders with respect to seizure and that the seized contraband does not fall within the ambit of definition of ganja as contemplated under the NDPS Act.

**6.** Be that as it may, considering the long incarceration of the Applicant, I am inclined to consider the case of Applicant. However it is time and again observed that whenever matters in which Union of India is the Respondent, the Advocates / Counsels for the Union of India do not appear when the matters are called out.

**7.** Respondent No.1 – Union of India and concerned in-charge of NCB shall ensure that appropriate representation of the Advocate / Counsel is made in this Court whenever matters are called out.

**8.** Copy of this order shall be served by the Advocate for Applicant on Respondent No.1 – Union of India.

**9.** Stand over to **25<sup>th</sup> February 2025**. To be placed under the caption '**First on Board**'.

[ MILIND N. JADHAV, J. ]

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