HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.4964 OF 2024

Angel William Menda .. Applicant

Versus

State of Maharashtra .. Respondent

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- Mr. Pranay Saraf a/w. Mr. Puneet Fonia, Advocates for Applicant.
- Ms. Shilpa K. Gajare – Dhumal, APP for Respondent.
- PSI – Kishor Desai, Dindoshi Police Station.

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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 17, 2025

P.C.:

1. Heard Mr. Saraf, learned Advocate for Applicant and Ms. Gajare – Dhumal, learned APP for Respondent.

2. Applicant is indicted under the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short '**NDPS Act**') for being in possession of 100 grams of Methamphetamine and 4.5 grams of Cocaine. The seizure panchanama is appended from page Nos.52 to 54 of the Application.

3. *Prima facie*, a dichotomy is expressed by Mr. Saraf. He would submit that the raiding party on the basis of statement of Accused No.5 proceeded to apprehended the person who was supplier of the drugs. Accused No.5 is a Nigerian citizen took them to a flat of the Applicant situated at Room No.213, A Wing, Vastunirmal

Apartment, Vasai (East), Palghar. He would submit that if the panchanama at page No.52 is read, it is evident that when they proceeded to apprehend the Applicant on the specific information made available to them by Accused No.5, it is stated in panchanama that entire raiding party proceeded with entire material which is statutorily required by them to be carried alongwith them. There is a specific reference to the weighing scale on page No.53.

4. Mr. Saraf would submit that when the house was raided and, Applicant was found with the alleged contraband, the Sub-Inspector who was one of member of raiding party gave a phone call to Dindoshi Police Station from Palghar and asked them to bring a weighing scale immediately to Palghar to weigh the contraband. He would submit that the procedure envisaged and followed under Section 42 of the NDPS Act is clearly transgressed and compromised and is a suspect in the present case.

5. Learned APP Ms. Gajare – Dhumal appears in the matter as informed by Ms. Bajoria. She is directed to take appropriate instructions from the Investigating Officer and apprise the Court on the aforesaid issue on the next adjourned date.

6. Stand over to **25th February, 2025**.

H. H. SAWANT

[MILIND N. JADHAV, J.]

HARSHADA HANUMANT SAWANT

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