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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 5436 OF 2024

Awaze Rashid Shaikh .. Applicant
Versus
The State of Maharashtra .. Respondent

-
- Mr. Anish Pereira, Advocate for Applicant.
 - Ms. Mahalakshmi Ganapathy, APP for Respondent – State.
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CORAM : MILIND N. JADHAV, J.

DATE : MARCH 11, 2025.

P.C.:

1. Mentioned at the time of rising of the Court.
2. Heard Mr. Pereira, learned Advocate for Applicant and Ms. Ganapathy, learned APP for Respondent – State.
3. Applicant is a young offender who is 25 years old being incarcerated for more than 13 months in an offence under the Narcotics Drugs and Psychotropic Substances Act, 1985 (for short “NDPS Act”). He was found in possession of the alleged contraband of 1.060 kgs. of *charas*.
4. Mr. Pereira would persuade the Court to consider that the Applicant has no antecedents, that he was working in a Call Center and in view of non-compliance of Section 52A procedure the seizure stands vitiated. That apart, he would submit that on confiscation and

seizure there were two bundles of the alleged contraband which were found in a polythene bag but they were mixed together by the prosecution team on the spot thereby violating the specific condition of sampling and seizure.

5. Ms. Ganapathy, learned APP is directed to take appropriate instructions on the aforesaid submissions made by Mr. Pereira and apprise the Court accordingly on the next adjourned date.

6. List the Bail Application on Board on **16th April 2025 at 02:30 p.m.**

[MILIND N. JADHAV, J.]

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