

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.5471 OF 2024

Kuldeep Lalchand Gupta

.. Applicant

Versus

The State of Maharashtra

.. Respondent

-
- Mr. Kamlesh Satre a/w. Mr. Amol M. Thombre, Advocates for Applicant.
 - Mr. Rushikesh M. Pethe, APP for Respondent – State of Maharashtra.
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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 10, 2025

P.C.:

1. Heard Mr. Satre, learned Advocate for Applicant and Mr. Pethe, learned APP for Respondent – State of Maharashtra.

2. This is an Application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking Bail in connection with C.R. No.108 of 2024 registered with Shivaji Nagar Police Station for offences punishable under Sections 8 (c) and 22 (c) of the Narcotics and Psychotropic Substances Act, 1985 (for short '**NDPS Act**').

3. Applicant before me is indicted and arrested in offences punishable under NDPS Act for being in possession of 25 bottles of alleged contraband namely Codeine Phosphate Syrup. Mr. Satre has drawn my attention to the seizure panchnama appended at page No.46 of the Application. He would submit that the said seizure panchnama

and photograph appended thereto if seen, it becomes evident that the seizure panchnama records the Crime Number as 108 of 2024. He would submit that crime is required to be recorded after seizure panchnama is completed as it is case of chance recovery under the NDPS Act. Mr. Satre would submit that there is therefore serious transgression of the procedure established under the NDPS Act in so far as seizure and registration of the crime is concerned, in the aforesaid case.

4. The coloured copy of photograph appended at page No.48 is handed over to Mr. Pethe. He shall take specific instructions from the Investigating Officer on the above and apprise the Court as to how the number of the crime gets appended on the seizure panchnama label which is shown seized and apprise the Court about the same.

5. Stand over to **18th February, 2025 at 02:30 p.m.**

H. H. SAWANT

[MILIND N. JADHAV, J.]

HARSHADA
HANUMANT
SAWANT

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by HARSHADA
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