

Nikita

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

BAIL APPLICATION NO.181 OF 2025

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Saurabh Rajesh Shingare	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. Chaitanya Mulawkar for the Applicant.

Mr. T. G. Khan, APP for the State.

Mr. Sunil A. Powar, API, Kaushet Police Station, Pune Rural.

CORAM : ASHWIN D. BHOBE, J.

DATED : 11th AUGUST, 2025

P.C.:

1. Heard Mr. Chaitanya Mulawkar, learned Advocate for the Applicant and Mr. T. G. Khan, learned APP for the State.
2. By the present application filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, Applicant is seeking bail in connection with C. R. No.125 of 2024, registered with Kamshet (Takave) Police Station, Pune, for the offences punishable under Section 8(c), 21(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act) and under Section 34 of the Indian Penal Code, 1860. Said crime is registered as Special Case No.82 of 2024 and is pending before the Additional Sessions Judge, Vadgaon Maval, Pune.

3. There are two Accused in the crime. Applicant is Accused No.1, Dinesh Shinde is Accused No.2 in the present crime.
4. Case of the prosecution is that 32 gms of Mephedrone was seized in the said C. R. No.125 of 2024. 5 gms of Mephedrone powder was found in possession of the Applicant, whereas 3 gms of Mephedrone powder was found in the possession of Accused No.2. 24 gms of Mephedrone powder was found in the residential house of relatives of Accused No.2.
5. Applicant was arrested on 09.06.2024, since then the Applicant is in jail. Bail Application at Exhibit-2 in Special Case No.82 of 2024 was dismissed by the Additional Sessions Judge Vadgaon Maval Pune, on 11.11.2024.
6. Mr. Chaitanya Mulawkar, learned Advocate for the Applicant submits that the ground on which the Applicant is seeking bail is non-compliance of Section of 42(1) of the NDPS, Act as there is no clarity in the manner in which the Applicant was searched. He submits that there is non-compliance of the provisions of Section 50(1) of the NDPS, as the Applicant was not apprised of his right to be searched before the Gazetted Officer.
7. Mr. T. G. Khan, learned APP for the State, submits that the Panchanama dated 09.06.2024 indicates that there is compliance with regard to Section 42 (1) of the NDPS Act, as the Applicant was searched by the Assistant Police Inspector. He submits that the Applicant was informed of he having a right to be searched in the presence of the Gazetted Officer.
8. I have perused the record with the able assistance of learned

Advocates for the parties.

9. Perusal of the records would indicate that though the Applicant was issued a noticed dated 09.06.2024, under Section 50(1) of the NDPS, Act, however, the records placed in this application do not indicate that the Applicant was appraised of his right to be searched before a Gazetted Officer or a Magistrate. Mr. Chaitanya Mulawkar, therefore, would be right in his submission that there non-compliance of the provisions of Section 50(1) of the NDPS Act.

10. Mr. Chaitanya Mulawkar, submits that the Applicant does not have any antecedents as far as any prior offence under NDPS Act. Applicant is in jail from 09.06.2024. Charge is not framed in Special Case No.82 of 2024.

11. Contraband which is seized from the Applicant is 5 gms of Mephedrone, thus an intermediate quantity. Case does not involve commercial quantity, as such stringent twin conditions under Section 37 of NDPS Act would not apply. Request for bail is not fettered by statutory restrictions applicable to commercial quantity offences. In view of the above, continuation of the Applicant in Jail pending the trial is not warranted.

12. Present Bail Application is allowed, on the following conditions:

- a) Applicant is directed to be released on bail in connection with C. R. No.125 of 2025 registered with Kamshet (Takave) Police Station, Pune on his furnishing PR bond in the sum of Rs.50,000/- with one or two sureties in

the like amount to the satisfaction of Additional Sessions Judge, Vadgaon Maval, Pune.

b) Applicant shall attend and regularly appear before the Additional Sessions Judge, Vadgaon Maval, Pune in Special Case No.82 of 2024 on each date of hearing, unless specifically exempted by the Court.

c) Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of the case so as to dissuade them from disclosing the facts to the Court or any police officer and shall not tamper with evidence.

d) Applicant upon his release, within 3 days shall furnish to the Investigation Officer, Kamshet (Takave) Police Station, Pune his residential address with proof and the contact number and to keep the Investigation Officer intimated about the change in the same from time to time.

e) Applicant shall not involve himself in similar offences.

13. The Bail Application No.181 of 2025 is allowed in the above said terms.

(ASHWIN D. BHOBE. J.)