

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 404 OF 2025

Saud Shafiq Sayyed	.. Applicant
Versus	
State of Maharashtra	.. Respondent

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- Ms. Mallika Sharma a/w Ms. Zehra Charania i/by Mr. Ayaz Khan for Applicant
 - Mr. M.S. Bajoria, APP for State
 - Mr. Nitin Palande, PSI, Trombay Police Station is present
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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 24, 2025

P. C.:

1. Heard Ms. Sharma, learned Advocate for Applicant and Ms. Bajoria, learned APP for State.
2. Applicant is indicted in NDPS offence for possession of commercial quantity of the alleged contraband i.e. 53 grams of Mephedrone.
3. Ms. Sharma would inform the Court that in the seizure panchnama, fact as to whether the alleged contraband is the contraband in question is not specifically stated and all that is stated is that 53 grams of white powder has been recovered and seized. She would submit that said alleged contraband has been weighed along with its zip-lock pouch and marked as Article-A.

4. Learned APP shall take cognizance of the aforesaid submissions as they are in transgression of the provisions of Section 50 of the NDPS Act as also it is submitted that along with chargesheet the CA report has not been filed. Applicant is in custody for 1 year and 4 months. There are no antecedents of the Applicant. *Prima facie* contents of the FIR and seizure panchnama reflect that there are two accused arrested in the crime and they have been jointly apprised of their rights under Section 50 which is contrary to the mandate of law as also various decisions of the Court.
5. Learned APP shall take appropriate instructions on the aforesaid issues and apprise the Court on the next adjourned date.
6. Stand over to **17th March, 2025.**

[MILIND N. JADHAV, J.]

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