

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.474 OF 2025

Jugal Badshah Sheikh .. Applicant
Versus
State of Maharashtra .. Respondent

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- Mr. Ratnadeep G. Meshram a/w. Mr. Harshad G. Meshram, Advocates for Applicant.
 - Ms. Rajshree V. Netwon, APP for Respondent – State of Maharashtra.
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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 06, 2025

P.C.:

- 1.** Mentioned out of turn at the time of rising of the Court.
- 2.** Heard Mr. Meshram, learned Advocate for Applicant and Ms. Newton, learned APP for Respondent – the State of Maharashtra.
- 3.** This is an Application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short '**B.N.S.S.**') seeking Bail in connection with First Information Report No.100 of 2024 registered with APMC Police Station for offences punishable under Section 8 (c) read with Sections 21(c) and 29 of the Narcotics and Psychotropic Substances Act, 1985 (for short '**NDPS Act**').
- 4.** Mr. Meshram would draw my attention to the statements of the raiding party police personnels appended from page Nos.48 to 56 and would submit that after said statements are seen the alleged

contraband recovered from all five Accused persons is 55.53 grams. He would draw my attention to the weight of the plastic bag which has been weighed separately as can be seen from page No.52 where weight of plastic bag is stated to be 1.02 grams.

5. He would thereafter draw my attention to the Inventory Panchnama appended at page No.58 wherein after the said contraband was weighed and re-sealed the weight of the said contraband is shown to be 70 grams. The aforesaid dichotomy is clearly evident on the face of record and therefore raises a doubt in the adoption of procedure which is required to be scrupulously adopted and followed under the statutory provisions of Sections 42, 43 and 50 of the NDPS Act.

6. Once this observed by the Court Applicant's case would deserve to be considered.

7. Ms. Newton would submit that she would take appropriate instructions from the Investigating Officer and also place the C-file before the Court on the next adjourned date to enable the Court to go through the details of the case and make her submissions.

8. Stand over to **13th February, 2025**. To be placed under the caption '**First on Board**'.

H. H. SAWANT

[MILIND N. JADHAV, J.]