

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 500 OF 2025

Sara Ismail Aadam	.. Applicant
Versus	
State of Maharashtra	.. Respondent

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- Mr. Kiran Gogavle for Applicant
 - Mr. Dinesh J. Haldankar, APP for State
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CORAM : MILIND N. JADHAV, J.

DATE : APRIL 7, 2025

P. C.:

1. Heard Mr. Gogavle, learned Advocate for Applicant and Mr. Haldankar, learned APP for State.

2. Applicant stands indicted for offence punishable under NDPS Act & the Passport Act. He has been incarcerated for a period of 2 & ½ years.

3. Mr. Gogavle would draw my attention to Section 50 Appraisal Notice appended at page No. 129 of the Application. *Prima facie* on reading the said notice, it is seen that said notice is contrary to the statutory provisions of the NDPS Act. What is stated in the said notice is in the nature of a demand imposed by the concerned Senior Inspector of Police. That apart without even adhering to or taking the appraisal as required under the provisions of Section 50 of the NDPS Act as also implied by the guidelines issued in the case of ***Ranjan***

Kumar Chadha v. State of Himachal Pradesh¹ the said notice on the face of record is *prima facie* unsustainable. Merely because the Applicant is a foreigner it does not mean that prosecution officer would follow the law in a manner as it has been done in the present case. It is further seen that prosecution officer has not followed the procedure under Section 50 of the NDPS Act. *Prima facie* Applicant has made out a clear case for transgression of the provisions of Section 50 on the face of record and for grant of bail.

4. Learned APP shall take appropriate instructions on the aforesaid issue and apprise the Court on the next adjourned date.

5. Stand over to 15th April, 2025.

[MILIND N. JADHAV, J.]

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