

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.607 OF 2025

Firoz Mohammad Yasin Khan

.. Applicant

Versus

State of Maharashtra

.. Respondent

.....

- Ms. Afreen Shaikh, Advocate for Applicant.
- Mr. Sukanta A. Karmakar, APP for Respondent – State of Maharashtra.

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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 20, 2025

P.C.:

1. Heard Ms. Shaikh, learned Advocate for Applicant and Mr. Karmakar, learned APP for Respondent – State of Maharashtra.

2. This is an Application under Section 439 of Code of Criminal Procedure, 1973 (for short '**Cr.P.C.**') seeking Bail in connection with C.R. No.193 of 2023 registered with C.B.D. Belapur Police Station for offences punishable under Section for offences punishable under Section 8 (c) read with Sections 22 and 29 of the Narcotics and Psychotropic Substances Act, 1985 (for short '**NDPS Act**').

3. Applicant is incarcerated since 27.09.2023 for offences punishable under NDPS Act. Applicant is arraigned as Accused No.3 in the crime. He has been apprehended for possession of 53 grams of Mephedrone i.e. alleged contraband.

4. Principal defence of Applicant is non-compliance of provisions of Section 50 of the NDPS Act. My attention is drawn by Ms. Shaikh to page No.48 of the Application which is the information given to Applicant under Section 50 of the NDPS Act.
5. Ms. Shaikh would submit that said letter does not bear the date and remark with respect to taking his search which *prima facie* appears to be incongruous on the face of record.
6. Mr. Karmakar would take appropriate instructions from Investigating Officer and clarify the aforesaid position and if possible place the original copy of the letter appended at page No.48 for appraisal of the Court.
7. Another dichotomy which Ms. Shaikh points out his name of Informant appearing on page No.40 is not in consonance with statement of Informant which is recorded on 27.09.2023 which appears to be different.
8. Mr. Karmakar, learned APP shall take appropriate instructions on the same and apprise the Court accordingly.
9. List the matter on **06th March, 2025**. To be placed on 'Supplementary Board'.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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