

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 616 OF 2025

Mohd Nadir Nabiullah Shaikh

.. Applicant

Versus

State Of Maharashtra

.. Respondent

.....

- Mr. Amol M. Thombre, Advocate for Applicant.
- Mr. Hitendra J. Dedhia, APP for State.

.....

CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 18, 2025

P. C.:

1. Heard.

2. Applicant is apprehended with the conscious possession of 53 bottles of alleged contraband (CODEINE) in a chance recovery. Applicant in incarceration since 06.05.2024.

3. Learned Advocate for Applicant would inform Court that pursuant to seizure of the alleged contraband, the inventory panchanama has been carried out after a period of 58 days which is unusual because if page No.58 is seen, then from the dates emanating from there, it is clear that the alleged contraband was in transit between the period of seizure panchanama and the date of inventory panchanama. He would submit that *prima facie* there is apparent transgression of the provisions of Section 50 of the NDPS Act which is noticed from the record of the case. That apart he would submit that

both the accused apprehended with the alleged contraband were given a joint appraisal regarding their statutory rights and this itself contradict the statutory provisions.

4. Learned APP shall appropriate instructions from the concerned Investigating Officer on the aforesaid submissions made by the learned Advocate for Applicant and apprise the Court on the next adjourned date.

5. Stand over to **25th March, 2025 (at 02:30 pm)**.

[MILIND N. JADHAV, J.]