

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.762 OF 2025

Chukwu Ogbonna

.. Applicant

Versus

Union of India

.. Respondent

.....

- Mr. Aryan K. Kotwal a/w. Mr. Vikas Chavan, Advocates for Applicant.
- None for Respondent.

.....

CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 21, 2025

P.C.:

- 1.** Heard Mr. Kotwal, learned Advocate for Applicant.
- 2.** Applicant before me is indicted for offences punishable under provisions of the Narcotics and Psychotropic Substances Act, 1985 (for short '**NDPS Act**') for possessing 52 grams of Mephedrone.
- 3.** Mr. Kotwal makes the following three submissions:-
 - (i)** Firstly, he would submit that Applicant is incarcerated since 20.09.2021, hence his long incarceration may be considered by the Court;
 - (ii)** Next he would submit that panchanama at the time of search and seizure stated at 04:00 p.m. on 19.09.2021 and concluded on 07:30 p.m. on the same day but Applicant has been arrested according to Court / arrest

form at 07:30 p.m. on the following day i.e. 20.09.2021 and thereafter produced before the Magistrate. He would submit that Applicant was illegally detained for more than 24 hours in the present case which is apparent from the face of record itself;

(iii) On the issue of seizure, he would submit that none of the documents placed in the charge-sheet show the quantification or weight of the alleged contraband with or without its bag separately when seized. According to him, contraband was seized alongwith a plastic bag / pouch in which it was contained. He would submit that the 52-A certificate appended to the Application does not reveal the aforementioned exercise which is a mandatory requirement to be undertaken under the provisions of Section 52A of the NDPS Act.

4. Prosecution shall consider the aforementioned submissions and accordingly take appropriate instructions and apprise the Court on the next adjourned date.

5. Stand over to **28th March, 2025 at 02:30 p.m.**

H. H. SAWANT

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[MILIND N. JADHAV, J.]