

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.771 OF 2025

Damodara Surya Rama Prasad Dubey

.. Applicant

Versus

Union of India and Anr.

.. Respondents

.....

- Mr. Anish Pereira, Advocate i/by Mr. Taraq Sayed for Applicant.
- Mr. Hitendra J. Dedhia, APP for Respondent No.2.

.....

CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 21, 2025

P.C.:

1. Heard Mr. Pereira, learned Advocate for Applicant and Mr. Dedhia, learned APP for Respondent No.2.

2. Applicant before me is indicted for offences punishable under provisions of the Narcotics and Psychotropic Substances Act, 1985 (for short '**NDPS Act**') and is incarcerated for past 1 year.

3. Mr. Pereira would submit that Applicant is victim of circumstances as he was lured into believing that he has won a lottery and was made to travel to Malawi, East Africa for collecting the remittance of the prize money which he had won. He would submit that while on his return he was handed a bag containing the alleged contraband containing 5 kilograms of Heroin by his handlers and was intercepted on specific information at the Mumbai International Airport. Question required to be answered is whether he was handed

over the lottery prize when he travelled to Malawi, East Africa.

4. That apart, on merits Mr. Pereira would submit that Applicant is a retired 78 year old person and after his arrest during the search and seizure operation the alleged contraband contained in three bags which were mixed by the prosecution Officers in violation of Standing Orders 1/88 and 1/89.

5. He would submit that Applicant was produced before the Magistrate more than 30 hours after his detention at the Airport.

6. Prosecution in this case is the Union of India.

7. Applicant is directed to serve the Respondents with copy of Application and this order. Respondents are directed to file appropriate Affidavit-in-Reply within a period of four weeks from the date of service of Application.

8. Stand over to **27th March, 2025.**

H. H. SAWANT

[MILIND N. JADHAV, J.]

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