

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.852 OF 2025

Abdul Raees Abdul Hamid Shaikh .. Applicant
Versus
The State of Maharashtra .. Respondent

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- Mr. Nilesh S. Bangar a/w. Prany Saraf, Advocates for Applicant.
 - Mr. Rushikesh M. Pethe, APP for Respondent.
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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 27, 2025

P.C.:

1. Heard Mr. Bangar, learned Advocate for Applicant and Mr. Pethe, learned APP for Respondent.

2. Applicant is indicted for offences punishable under the provisions of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short “**NDPS Act**”) for being in possession of alleged contraband i.e. 42 bottles of codeine phosphate syrup each having 100 ml.

3. Principal defence is that Applicant has never been apprised of his right under Section 50 and there is transgression of statutory provisions. Mr. Bangar draws my attention to page No.39 where there is no endorsement on the form given to Applicant neither in the arrest form in column No.8 the reasons for arrest are mentioned. Applicant has made out *prima facie*, case which is covered by decisions passed by

this Court.

4. Prosecution shall take appropriate instructions and apprise the Court accordingly.

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

H. H. SAWANT

[MILIND N. JADHAV, J.]

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