

VRJ

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**BAIL APPLICATION NO.988 OF 2025**

VAIBHAV  
RAMESH  
JADHAV

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Sandeep Jagdish Tomar

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Darshit Jain for the applicant.

Mr. S. K. Halwasia with Ms. Smita Vora and Mr. Keshav  
Thakur for respondent-NCB.

Ms. Rajashree V. Newton, APP for the State.

**CORAM : AMIT BORKAR, J.**

**DATED : JUNE 30, 2025**

**P.C.:**

1. A serious grievance has been brought to the notice of this Court on behalf of the Narcotics Control Bureau (NCB), Union of India. It is submitted that in several bail applications filed before this Court, the parties have either intentionally or negligently mentioned incorrect respondents or opponents. In some matters, where the NCB is the proper prosecuting agency, it is wrongly substituted by the "State of Maharashtra" or any other State. Conversely, in cases where the State Police is the proper authority, the Union of India or NCB is wrongly made a party.

2. As a result of such erroneous impleadment, the copy of the bail application gets served on an agency which is not responsible

for conducting the investigation or prosecuting the matter. This leads to a situation where the proper prosecuting agency remains unaware of the pendency of the matter and, therefore, fails to remain present on the scheduled date of hearing. In turn, this results in the matter being heard ex parte or without effective representation from the correct prosecuting agency. Consequently, the Court is compelled to record adverse remarks regarding the absence or non-assistance of the agency concerned.

3. It is further submitted that this practice, whether arising from oversight or design, causes serious disruption in the administration of criminal justice. The learned counsel for the NCB submits that there are several such instances where, under the garb of urgency, parties have adopted this sharp practice of deliberately misrepresenting the correct prosecuting agency, thereby obstructing the due process of law.

4. The learned counsel for the NCB seeks time to compile and place on record specific instances of such occurrences, which would aid the Court in understanding the extent of the issue and in considering appropriate remedial directions to prevent recurrence.

5. Prima facie, the grievance appears to be genuine and raises an issue of systemic concern. This Court is of the view that proper representation of the prosecuting agency is essential to ensure fair adjudication in bail proceedings, especially in matters involving serious offences under the NDPS Act. Any lapses, intentional or otherwise, in impleading the correct party not only affect the

fairness of the proceedings but also have the potential to compromise the interests of justice.

6. In this view of the matter, time as sought is granted to the learned counsel for NCB to place relevant material on record. Registry shall also take note and verify whether the correct party is impleaded in pending and future bail applications under the NDPS Act, before listing the same for hearing. The Court may consider issuing appropriate guidelines upon further consideration of the material that may be placed before it.

7. To enable learned APP to file such affidavit, stand over **14 July 2025**.

**(AMIT BORKAR, J.)**