

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1154 OF 2025

Junaid Nasim Gaur

.. Applicant

Versus

The State of Maharashtra

.. Respondent

.....

- Mr. Shekhar S. Bhandary a/w. Mr. Karthik S. Bhandary, Advocates for Applicant.
- Ms. Megha S. Bajoria, APP for Respondent.

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CORAM : MILIND N. JADHAV, J.

DATE : MARCH 24, 2025

P.C.:

1. Heard Mr. Bhandary, learned Advocate for Applicant and Ms. Bajoria, learned APP for Respondent.

2. Applicant is indicted under the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short '**NDPS Act**') for being found in possession of alleged contraband in two separate tranches namely 300 grams of Heroin when he was apprehended during a chance recovery on the road and 150 grams from in his house.

3. Mr. Bhandary would submit that when Applicant was apprehended with 300 grams of Heroin in the chance recovery, no panchnama of seizure of the alleged contraband was prepared by prosecution which clearly transgresses the provisions of Sections 42 and 43 of the NDPS Act. He would submit that Applicant is a first time offender having no antecedents, 21 years old and incarcerated for past

1 year. He would submit that Applicant is a carpenter by profession.

4. That apart, he would submit that Applicant was not informed about grounds of his arrest under Section 50 of the Cr.P.C. as also there is transgression in respect of the procedure to be followed by the prosecution under Section 52A of the NDPS Act in while inventory preparation and certification of the alleged contraband by the concerned Magistrate.

5. The aforesaid submissions made by Mr. Bhandary shall be considered by the learned Prosecutor and on taking instructions on the role of Applicant, they shall be accordingly replied to for considering the Bail Application of the Applicant on the next adjourned date.

6. Stand over to 15th April, 2025.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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