

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1275 OF 2025

Mohd. Afzal Atiq Khan .. Applicant
Versus
State of Maharashtra .. Respondent

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- Mr. Harshad G. Meshram, Advocate for Applicant.
 - Ms. Shilpa K. Gajare – Dhumal, APP for Respondent.
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CORAM : MILIND N. JADHAV, J.

DATE : APRIL 01, 2025

P.C.:

1. Heard Mr. Meshram, learned Advocate for Applicant and Ms. Gajare – Dhumal, learned APP for Respondent.

2. Applicant is indicted for offence punishable under provisions of the Narcotics and Psychotropic Substances Act, 1985 (for short “**NDPS Act**”) and is in incarceration since 2023.

3. Though apart from his usual defences of transgression of Section 42 of the NDPS Act at the time of seizure, as also appraisal under Section 50 of the NDPS Act, Mr. Meshram has pointed out to the Court that at the time of seizure panchnama the weight of the alleged contraband has infact increased to 83 grams from the original 60 grams which was confiscated and seized at the time of seizure panchnama.

4. Mr. Meshram would submit that this increase contradicts

prima facie transgresses and creates a suspicion on the prosecution case.

5. Ms. Gajare – Dhumal, learned APP shall examine the aforesaid issue, take appropriate instructions from the concerned Investigating Officer and accordingly inform the Court on the next adjourned date. Considering the incarceration of Applicant is made from 05.10.2023 and no antecedents of applicant, present Application shall be heard and decided on the next adjourned date which shall be noted by the prosecution.

6. Stand over to **29th April, 2025 at 02:30 p.m.**

H. H. SAWANT

[MILIND N. JADHAV, J.]

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