

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1394 OF 2025

Arif Abdul Gaffar Shaikh	.. Applicant
Versus	
State of Maharashtra	.. Respondent

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- Ms. Ashwini Achari i/by Taraq Sayed, Advocate for Applicant.
 - Mr. Sukanta A. Karmakar, APP for State.
 - API – Amol Kadam, ANC Worli, Crime Branch.
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CORAM : MILIND N. JADHAV, J.

DATE : APRIL 08, 2025

P. C.:

1. Heard Ms. Achari, learned Advocate for Applicant and Mr. Karmakar, learned APP for State.

2. Applicant is incarcerated for the pasts 4 years in prison. Trial has not commenced either. This is a strong ground for considering the Bail Application of the Applicant. That apart on merits learned Advocate for Applicant would submit that endorsement on the appraisal letter under Section 50 of the NDPS Act is not effected by the Applicant in his own handwriting but has been written by the prosecution officer himself which is so confirmed in the panchanama. This is directly in the teeth of the guidelines issued by the Supreme Court in the case of *Ranjan Kumar Chadha v. State of Himachal*

*Pradesh (2023)*¹ namely guideline No.(ii) read with guideline No.(vi) in paragraph No.66 therein.

3. Present Application shall be heard and decided on the next adjourned date, which shall be noted by the prosecution. I am compelled to issue general directions to the Prosecutors who are assigned to this Court/Roster. It is observed by the Court that some Prosecutors who have appeared in the matters earlier/previously do not remain present when matters reach and are called out after 04:30 p.m. This kind of practice and approach is deprecated by the Court. Court is informed about the Prosecutor not being present or the Investigating Officer not being present or the holding Prosecutor having no instructions and adjournment is sought. It is also clarified that if the Application reaches beyond Court hours concerned prosecutor in the matter shall remain present. If the prosecutor is not present in the Court beyond Court hours when the matter is called out, matter will be heard and decided. These directions shall be applicable to all the matters wherein matters have been heard and orders have been passed previously by the Court and which reach hearing beyond the regular Court working hours. If prosecutors have any personal difficulty it shall be conveyed to the Court through the Prosecutor present in Court specifically to accommodate theme. Cooperation from

1 2023 INSC 878

the Prosecutors is expected by the Court in the larger interest of justice.

4. Learned APP shall take appropriate instructions about the status of trial also and apprise the Court on the next adjourned date.
5. Stand over to **22nd April, 2025.**

PR. Rajput

[MILIND N. JADHAV, J.]