

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1514 OF 2025

Paulinus Ndubueze Madu

.. Applicant

Versus

The Union Of India and Anr.

.. Respondents

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- Mr. Dilip Mishra, Advocate i/by Ms. Zehra Charania for Applicant.
- None for Respondent No.1.
- Mr. Rushikesh M. Pethe, APP for Respondent No.2.

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CORAM : MILIND N. JADHAV, J.

DATE : APRIL 17, 2025

P.C.:

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

2. Applicant is arrested in an offence punishable under provisions of Narcotics and Psychotropic Substances Act, 1985 (for short '**NDPS Act**') on basis of statement of co-accused recorded under Section 67 of the NDPS Act. Applicant is a foreign national. He is in custody since 18.03.2024.

3. Learned APP shall take appropriate instructions and ascertain the precise role of Applicant and apprise the Court about the same on the next adjourned date for considering the Bail Application.

4. Union of India is the principal contesting party namely Respondent No.1. Mr. Mishra informs that notice of Application has already been served on Union of India. As usual no representation is made on behalf of Union of India in the Court.

5. This is repeatedly observed by the Court that until and unless specific orders are passed, Union of India does not bother to appoint Advocates / Counsels to espouse cause of Union of India in cases under NDPS Act. It is a very sorry state of affairs. Union of India despite been served in the present case has chosen to abstain.

6. A copy of this order is directed to be served on Union of India by Advocate for Applicant. Union of India is directed by the Court to ensure that a responsible Counsel / Advocate appears in the matter on the next adjourned date. If Union of India desires to file any Affidavit-in-Reply which is usually the request made to the Court, the same is directed to be filed within a period of two weeks from today positively.

7. It is clarified that on the next adjourned date if the Affidavit-in-Reply is not filed or none appears for the Union of India, this Court shall not await representation from Union of India and decide the present Application on its own merits which shall be noted by the Union of India.

8. Stand over to **28th April, 2025.** To be placed on the
‘Supplementary Board’.

H. H. SAWANT

[MILIND N. JADHAV, J.]

HARSHADA
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by HARSHADA
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