

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1626 OF 2025

Maria Remmy Mushi

.. Applicant

Versus

Union of India and Anr.

.. Respondents

.....

- Mr. Khushal Parmar a/w Ms. Anjali More, Advocates for Applicant.
- Mr. Rushikesh Munde (SPP), a/w Shatabdi Netke and Mr. Tejas Bhattacharya, for Respondent – UOI.

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CORAM : MILIND N. JADHAV, J.

DATE : APRIL 24, 2025

P. C.:

1. Heard Mr. Parmar, learned Advocate for Applicant and Mr. Munde, learned Special PP for Respondent UOI.

2. Applicant in the present case is a foreign national. She is apprehended with the alleged contraband namely 210 grams of cocaine and is in incarceration since 9th October, 2023.

3. Principal submission advanced by Mr. Parmar is with respect to appraisal notice appended at page No.39 of the Application. *Prima facie* the prosecution has transgressed the provisions of NDPS Act when said appraisal notice is seen. The appraisal notice is not in conformity with the provisions of said act as contemplated and envisaged by the Supreme Court in the case of ***Ranjan Kumar Chadha***

Vs. State of Himachal Pradesh¹. Guidelines which have been stated therein are required to be scrupulously followed by the prosecution officers and any delineation therefrom is impermissible in law even at the threshold stage. When the said appraisal notice is *prima facie* seen it lacks rather it does not reflect signatures of pancha witnesses which is the *sine qua non* of the prosecution procedure for apprehending and arresting accused person.

4. Though Mr. Munde learned Prosecutor on behalf of UOI would submit that Supreme Court has also stated that if the right of accused is conveyed orally that would suffice, he will have to make good his submission. Be that as it may, he would persuade the Court to give time to file Affidavit-in-Reply to place the legal position on record and also to contest the submissions made by Mr. Parmar. In that case Affidavit-in-Reply is directed to be filed positively within a period of two weeks from today. It is clarified that no extension of time to file the Affidavit-in-Reply will be given to prosecution and the matter will be heard on the next date.

5. Stand over to **8th May, 2025**.

[MILIND N. JADHAV, J.]

1 2023 SCC OnLine SC 1262.