

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1647 OF 2025

Saddam Najir Ahmed Shaikh

.. Applicant

Versus

The State of Maharashtra

.. Respondent

.....

- Mr. Kamlesh Satre, Advocate for Applicant.
- Ms. Mahalakshmi Ganapathy, APP for Respondent.

.....

CORAM : MILIND N. JADHAV, J.

DATE : APRIL 24, 2025

P.C.:

1. Heard Mr. Satre, learned Advocate for Applicant and Ms. Ganapathy, learned APP for Respondent.

2. Applicant is apprehended offence punishable under provisions of the Narcotic and Psychotropic Substances Act, 1985 (for short '**NDPS Act**') and *prima facie* transgression of Section 52 of NDPS Act is shown to the Court when letter of appraisal at page No.41 of the Application is seen by the Court.

3. Mr. Satre would submit that on the letter of appraisal the endorsement is written by the Investigation Officer himself and thus it is contrary to guideline (iv) in paragraph No.66 of the decision of the Supreme Court in the case of *Ranjan Kumar Chadha Vs. The State of Himachal Pradesh*¹.

¹ 2023 SCC OnLine SC 1262

4. This Court has also in similar circumstances considered transgression of aforesaid statutory provisions considering the stringent punishment envisaged under the NDPS Act and released accused persons on bail in the case of *Firoj Rabool Shaikh @ Time Vs. The State of Maharashtra*² and connected matters of *Karim Sattar Khan Vs. The State of Maharashtra*³ and *Tayyab Mansur Shaikh Vs. The State of Maharashtra*⁴.

5. Learned APP shall take appropriate instructions on the aforesaid submissions made by Mr. Satre and accordingly apprise the Court on the next adjourned date. Applicant is incarcerated for the past one year pending trial. Investigation is complete and charge-sheet has been filed.

6. Stand over to **04th July, 2025**.

H. H. SAWANT

[MILIND N. JADHAV, J.]

2 Bail Application No.823 of 2025 decided on 07.04.2025.
3 Bail Application No.2100 of 2024 decided on 07.04.2025.
4 Bail Application No.3531 of 2024 decided on 07.04.2025.