

Laxmi Sontakke
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1848 OF 2025

Mohd. Fahim Mohd. Vasim Khan .. Applicant
Versus
The State of Maharashtra .. Respondent

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- Mr. Amol Thombare, Advocate for Applicant.
 - Mr. Rushikesh Pethe, APP for the State.
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CORAM : MILIND N. JADHAV, J.

DATE : MAY 05, 2025

P.C.:

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

2. This is an Application under Section 439 of Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') seeking Bail in connection with C.R. No.04 of 2024 registered with Narcotic Cell Worli Unit, Mumbai.

3. The Applicant is arrayed as accused no. 2 having been arrested on 14th January 2024 in a NDPS offence.

4. The learned Advocate would submit that there is absolute non compliance of provisions of Section 50 of the NDPS Act. It is seen that on the appraisal letter, endorsement has been effected in the hand writing of the concerned investigating officer himself and not in the handwriting of the Applicant as required by the statute and directions of the Supreme Court in the case of *Ranjan Kumar Chadha Vs. The*

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***State of Himachal Pradesh*¹** and more specifically in paragraph Nos.65 and 66 of the said decision. He would also submit that there is transgression of the provisions of Section 52A of the NDPS Act also in the present case. Considering the aforesaid *prima facie* transgressions which are evident on the face of record when the appraisal letter appended at page no. 71 is seen, the prosecution needs to explain the same. Considering incarceration of Applicant, learned Prosecutor shall take appropriate instructions and answer the aforesaid questions to enable the Court to consider the bail application of the Applicant.

5. The learned Advocate would submit that there are two accused persons in the present crime and accused no.2 has already been granted bail on 14th January 2025. Hence even on the ground of parity Applicant has made out a case for grant of bail.

6. List the application for hearing and disposal on **11th July 2025.**

¹ 2023 SCC OnLine SC 1262.