

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 3059 OF 2025

Neera Baban Mohite

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Miran M. Shinde a/w Mr. Somnath Thengal and Ms. Vrushali K. Shinde, learned Advocates for the Applicant.

Mr. Tanveer G. Khan, learned A.P.P. for the State/Respondent.

PSI Mr. Sandip K. Borkar attached to Chakan Police Station, Pimpri-Chinchwad is present in the Court.

CORAM : ASHWIN D. BHOBE, J.

DATE : 5th AUGUST 2025.

P.C. :

1. Heard Mr. Somnath Thengal, learned Advocate for the Applicant. He submits that the Applicant is seeking bail on the ground of non-compliance of the provisions of the Narcotic Drugs and Psychotropic Substances Act, 1985 ("NDPS Act" for short). He submits that in the present case, there is violation of provisions of Section 42(1) & (2) of the NDPS Act, as the information was received by the Police Constable and the document at page no. 24 of the paper-book, does not indicate the same being signed by the Assistant Police Commissioner. He submits that there is no compliance of Section 50(1) of the NDPS Act, as according to him though the Applicant was served with the notice under the said section, however the willingness or non-willingness of the Applicant was not obtained. He submits that the inventory

certificate indicates that the duplicate samples of the contraband were not drawn and further it is not as per Section 52A of the Narcotic Drugs And Psychotropic Substances (Seizure, Storage, sampling and Disposal) Rules, 2022. He submits that there is no compliance of Section 57 of the NDPS Act. He submits that the contraband alleged as ganja, is not segregated in the manner required before weighing the same.

2. Issue notice to the State/Respondent.

3. Mr. Tanveer Khan, learned A.P.P. appears and waives service of notice on behalf of the State/Respondent. He seeks 2 weeks' time to file reply to respond to the contentions raised by the Applicant.

4. At the request of Mr. Tanveer Khan, learned A.P.P. and by consent of the parties, list the matter on **19th August 2025**.

[ASHWIN D. BHOBE, J.]

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