



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 521 OF 2026

Ashish S/o Sunildatt Mahire,
Age : 28 years, Occu.: Barbar Saloon,
R/o. Golden City, Sangamner,
Tal. Sangamner,
Dist. Ahilyanagar

... Applicant
(Orig. Accused)

VERSUS

The State of Maharashtra,
Through the Police Inspector,
Sangamner City Police Station,
Sangamner, Tal. Sangamner,
Dist. Ahilyanagar

... Respondent

...

Advocate for Applicant : Mr. K.N. Shermale
A.P.P. for Respondent/State : Mr. S.V. Hange

CORAM : SHAILESH P. BRAHME, J.

DATE : 16.04.2026

PER COURT :

Heard both sides.

2. The applicant is seeking regular bail in connection with Crime No.1027 of 2025, registered with Sangamner Police Station, Dist. Ahilyanagar for the offences punishable under Section 22(k), 8(c) of NDPS Act ("**Act**" for short).

3. After having received information of prohibitional operation under section 8 of the NDPS Act, raid was arranged. The applicant was apprehended on 21-11-2025 at about 4.10 am. He was found to be in possession of 103 gm of MD - the contraband article. He was appraised of

his rights under Section 50 of the Act. The contraband was seized by preparing panchanama. He was arrested. The inventory was prepared. Thereafter, chargesheet was filed on 11-02-2026.

4. Learned counsel for the applicant Mrs. Shermale submits that there is huge delay in lodging FIR when raid was conducted at about 4.05 am. The lapses on the part of the Raiding officers would make the arrest illegal. There is non-compliance of Section 50 as well as 52A of the Act. The inventory was prepared on 12-12-2025 after 21 days of the raid. There is difference in colour and quantity of the contraband which is shown in inventory from First Information Report. The grounds of arrest were not communicated making it illegal. Applicant is falsely implicated in the Offence. No CCTV footage was collected.

5. Per contra, learned APP would submit that due precautions were taken to comply provisions of section 42, 52 as well as 52A of the Act. Due entries were recorded in the Police Station Diaries. Applicant was appraised of his rights. The grounds of the arrest were informed to him as well as his near relative. He was being represented by lawyer since his arrest and no prejudice can be said to have been caused to him. Neither there is any delay nor lapses on the part of the Raiding Officers.

6. First Information Report shows that the applicant was first located by the Reading Party at 4.05 am. He was apprehended at 4.10 am. Thereafter, the seizure was conducted. After completing various formalities, he was arrested. The grievance of the lapses of the time gap can be dealt with

during the course of trial. Applicant was apprehended near Parivar Grocery Store at Sangamner. The spot was not covered by CCTV area. Merely because the action taken against the applicant is not covered by CCTV, would not make the arrest illegal or vitiate the action. The action taken by the Raiding Officers is supported by entries in the Police Station Diaries.

7. The color of the contraband is shown to be pink in the inventory with a quantity of 104 gram. In first information report, the color is shown to be white with quantity of 103 gram. These are the minor discrepancies which can be gone into during the course of trial. Those cannot become the ground to release the applicant on bail.

8. I have gone through the notice under section 50 of the Act. No illegality is found in the notice. It bears acknowledgment of the applicant for not referring him to the Magistrate or Gazetted Officer. There is sufficient compliance of section 50 of the Act.

9. The raid was conducted on 21-11-2025. The request letter was submitted on 04-12-2025. The Inventory Certificate was issued on 12-12-2025 by the Magistrate. The grievance is regarding the huge gap of about 21 days. The compliance of section 52A would be a matter of trial and need not be dealt with at this juncture. A useful reliance can be placed on the judgment of the Apex Court in the matter of ***Narcotics Control Bureau v. Kashif; 2024 SCC OnLine SC 3848.***

10. Mr. Shermale has related upon the order of the Coordinate bench in

case of **Arbaz Hamid Khan Vs State of Maharashtra** passed on 23-July-2025 in Bail Application No. 1599 of 2025. The applicant therein was sought to be released on bail on ground of non-compliance of Section 50 as well as 52A of the Act. Relying on the judgment of Supreme Court in **Narcotics Control Bureau v. Kasif** (supra), the application was rejected. Being aggrieved, accused had approached Supreme Court. By order dated 01-12-2025, Apex Court allowed the Appeal directing release of the accused. Facts are distinguishable and the order would not enure to the benefit of the applicant.

11. Reliance is placed on the judgment dated 16.03.2026 of the Apex Court in **The State of Himachal Pradesh v. Surat Singh** (Criminal Appeal No. 96 of 2018). That was a judgment of Apex Court passed in Appeal after conviction of the accused. The facts are distinguishable. In the present case, the notice issued under Section 50 is in accordance with law coupled with the written acknowledgment of the applicant. The judgment will not help the applicant.

12. It is informed by learned APP that the written information of the grounds of arrest given by the Raiding Officer while arresting, is not part of the chargesheet but it was submitted to the Special Court. A photocopy thereof is placed on record. The photocopy is objected by the advocate Mr. Shermale on the ground that it does not bear the signature of the applicant. This aspect of the matter needs to be enquired into during course of trial. The copy shows the information given to the applicant for the

grounds of arrest. The arrest *panchanama* also shows that the applicant was informed the grounds of arrest. There is an entry that information was given to Smt. Pratibha Sunildatt Mehare, his mother. It is corroborated by entry in police station diary.

13. It further reveals from the application seeking remand that grounds of arrest were duly informed while passing order on 21-11-2025. The applicant was being represented by lawyer and he was heard. No case is made out by the applicant that he could not avail the legal assistance and any prejudice is caused. He has failed in prejudice oriented test. Hence, his arrest cannot be said to be illegal at this juncture.

14. Reliance is placed on the judgment of Supreme Court dated 01.04.2026 in the matter of ***Dr. Rajinder Rajan Vs. Union of India and another***, to buttress that if there is non-compliance of section 52 of the NDPS Act, then the arrest would be illegal. In the case before the Supreme Court, the grounds of arrest were communicated orally. However, in the case at hand, the written information was given and, therefore, this order would not help the applicant. Further reliance is placed on the order dated 01.04.2026 of Apex court in case of ***Sarfuddin v. State of Kerala; 2026 : KER : 29661***. After considering various judgments, the principles are culled down, which cannot be disputed. In the case at hand, due procedure was followed under section 52 of the Act and, therefore, arrest cannot be said to be illegal.

15. For the foregoing reasons, no case is made out for enlarging the applicant on bail by implication of prohibition under section 37(1) of the Act . Hence, Bail Application is rejected.

(SHAILESH P. BRAHME, J.)

arp/-