

**IN THE HIGH COURT OF BOMBAY AT GOA****CRIMINAL WRIT PETITION NO.80 OF 2025**

Mr Leonardo Deva,
22 years of age, S/o. L.J. Deva,
Indian, currently pursuing M.A. in
English Literature at Goa University,
R/o. H.No.541/5, Aradi, Guirim, Bardez,
North Goa, Goa Ph:9356615458,
Email: jleondeva2003@gmail.com ...Petitioner

Versus

1. The State of Goa
(through PI, Mapusa Police Station)

2. The State of Goa,
Through Public Prosecutor,
High Court of Bombay at Goa,
Porvorim, Bardez, Goa. ... Respondents

Mr L. Joseph Deva, Advocate for the Petitioner.
Mr Nikhil Vaze, Additional Public Prosecutor for the
Respondents/State.

CORAM : ASHISH S. CHAVAN, J.

Reserved on : 18th FEBRUARY 2026
Pronounced on : 23rd FEBRUARY 2026

JUDGMENT :

1. By way of the present Petition, the Petitioner has sought quashing of the FIR No.72/2025 registered at the instance of Mapusa Police Station under Section 20(b)(ii)(A) of the Narcotic Drug and Psychotropic Act, 1985 (NDPS

Act) along with chargesheet no.129/2025 emanating therefrom filed before JMFC, Mapusa and registered as case no.AOA/962/NDPS/2025/D.

2. The factual matrix leading to the filing of the present Petition, devoid of unnecessary details, can be summarised as under:

- (a) Acting on credible information that the Petitioner would be delivering drugs at the KTC bus stand at Mapusa, on 04.05.2025, a raiding party was formed and proceeded to conduct a raid on the Petitioner. All procedural formalities in due compliance of law were carried out. The Petitioner was found carrying a blue colour plastic bag containing greenish colour leaves, flowering, fruiting with seeds, vegetative substance with odour. The field drug detection kit test conducted during the panchanama returned a positive finding for hydroponic weed ganja, the net weight of which was 180 grams. All the details of the raid were elaborately set out in a search cum seizure panchanama dated 04.05.2025. The Petitioner has duly signed the panchanama.
- (b) Pursuant to the raid and the subsequent seizure of the narcotic drug, an FIR was registered on the basis of a complaint dated 05.05.2025 filed by one Ajay Harishchandra Dhuri, PSI, Mapusa Police Station. The FIR bearing no.72/2025 implicated the Petitioner as an Accused for offences punishable under Section 20(b)(ii)(A) of the NDPS Act.
- (c) The Accused was arrested and produced before JMFC, Mapusa. He was granted bail on 14.05.2025.

(d) After conducting investigation, the Police filed chargesheet dated 31.10.2025 under Section 20(b)(ii)(A) of the NDPS Act.

3. Heard. Rule. The rule is made returnable forthwith at the request of and with the consent of the parties.

4. On behalf of the Petitioner, it was contended that the credible information received does not disclose the time as to when such information was received. The Petitioner has relied on purported CCTV footage, which does not form part of the chargesheet. It is his contention that this so-called CCTV footage would demonstrate the innocence of the Petitioner. It is further contended that the FIR and chargesheet do not disclose as to when the raiding party was constituted, how the surveillance was kept on the Petitioner and reliance is placed on the affidavit in reply filed by the State to show inherent inconsistencies and infirmities inter-se in the reply. It is submitted that the credible information is false and fabricated and that the raid was conducted to falsely implicate the Petitioner, thereby raising a question on the search and seizure itself. It was submitted that the Petitioner's arrest was unlawful and arbitrary. He was not informed of the reasons of his arrest. No arrest memo was prepared or provided at the time of his apprehension. It was further contended that his remand was without any documentation and illegal. It was also argued that there is a violation of Section 50 of NDPS Act. It was further submitted that there are contradictions in the Police version and the timeline and use of "stock panchas". In the light of these submissions, it was contended by the Petitioner that taking the FIR, the chargesheet and the

order taking cognizance of the chargesheet at its face value, the same deserves to be quashed and set aside.

5. In response thereto, learned Additional Public Prosecutor, relying on the reply affirmed by the concerned Police Station, the FIR and the chargesheet, submits that this is not a fit case for interference by this Court to quash and set aside the aforesaid proceedings. He further submits that the contentions of the Petitioner deal with issues which are essentially disputed questions of fact and will therefore be triable issues which cannot be decided in the writ jurisdiction or inherent powers of this Court. He further submits that the video clips relied upon by the Petitioner do not form part of the final report/chargesheet and hence cannot be relied upon. He would further contend that the argument of the Petitioner that the credible information is false and fabricated and that the raid was conducted to falsely implicate the Petitioner is again a disputed question of law which can be dealt with only at the time of trial. Dealing with the submission of the Petitioner that his arrest was illegal, the learned Additional Public Prosecutor relied on the intimation of arrest, grounds of arrest, in writing, to submit that the Petitioner as well as his father were duly intimated about his arrest and the grounds of arrest in writing were communicated to him at the time of his apprehension as well as at the time of placing him under formal arrest. The Petitioner, as well as his father, have endorsed their signatures on the intimation of arrest and grounds of arrest. Addressing the submission of the Petitioner that the documentation of the remand of the Petitioner was illegal and hence the remand was not in accordance with law, the learned Additional Public Prosecutor placed reliance

on the remand applications dated 05.05.2025 and 14.05.2025 to demonstrate that the Petitioner was produced before JMFC, Mapusa, within 24 hours as stipulated by law. There was no grievance made about the time of arrest at the time of the remand or even thereafter. Addressing the argument of the Petitioner that there was a violation of Section 50 of the NDPS Act, learned Additional Public Prosecutor relied on the search and seizure panchanama dated 04.05.2025, to submit that there was compliance of Section 50 of the NDPS Act and, in any case, the compliance or otherwise of Section 50 of the NDPS Act would be a triable issue. He would also submit that the question of whether there was any use of “stock panchas” as alleged by the Petitioner while drawing up the panchanama is also a question of fact which cannot be gone into at this stage. In the wake of the aforesaid submissions, learned Additional Public Prosecutor prayed for dismissing the Petition.

6. The issue before this Court is whether the continuation of the proceedings against the Petitioner would amount to an abuse of law and whether the FIR and the chargesheet taken at face value not advertent to the defence, if any, of the Petitioner would fall squarely within the parameters set out in the landmark judgment of the Hon’ble Supreme Court in ***State of Haryana V/s. Bhajan Lal***¹.

7. I have gone through the FIR, chargesheet and various statements recorded therein. The Petitioner has argued essentially about the credible information received by the Police, which prompted them to form the raiding

¹ 1992 SUPP (1) SCC 335

party and subsequently led to the search and seizure of the narcotic drug at the instance of the Petitioner. The Petitioner claims that this credible information does not disclose the time at which such information was received. It does not disclose the quantity of narcotic drugs, the type of narcotic drugs or the mode and place of delivery. The Petitioner further claims that the theory of the credible information leading to the search and seizure is false and that he was falsely implicated in a bogus raid. The Petitioner has heavily relied on certain footage, which he claims to be CCTV footage, which does not form part of the chargesheet. The Petitioner has questioned the timelines set out by the Police in their chargesheet insofar as they pertain to the raid and the subsequent seizure of the narcotic drugs at the instance of the Petitioner. It is his contention that the raid and the subsequent arrest was staged and not genuine, and that the Petitioner's arrest was unlawful and arbitrary. He was not informed of the grounds of his arrest. No arrest memo was prepared or provided at the time of his apprehension. It was further contended that his remand was without any documentation and illegal. It was also argued that there is a violation of Section 50 of the NDPS Act and that there are contradictions in the Police version and the timeline and use of "stock panchas".

8. The FIR, the chargesheet, the statements recorded and documents relied upon by the prosecution therein, clearly make out that on 04.05.2025, the raiding party from the Mapusa Police Station conducted a raid acting upon prior credible information and during the said raid, the Petitioner was found in the possession of 180 grams of narcotic drug namely hydroponic

weed ganja, having market value of approximately Rs.18,00,000/- (Rupees Eighteen Lakhs only). The narcotic drug was seized under the search and seizure panchanama dated 04.05.2025 pursuant to which the Mapusa Police Station registered FIR No.72/2025 dated 05.05.2025. Various statements were recorded by the Police. After investigation, following all procedural formalities, a chargesheet was filed before the JMFC, Mapusa, on 31.10.2025, implicating the Petitioner for offences punishable under Section 20(b)(ii)(A) of the NDPS Act.

9. The contentions raised by the Petitioner are disputed questions of fact and in the nature of triable issues which can be adjudicated upon only at the stage of trial. They are essentially defences of the Petitioner which cannot be considered in the scope of the present Petition. I find force in the submissions of the learned APP that the Petitioner was duly intimated about his arrest and the grounds of arrest in writing were communicated to him at the time of his apprehension as well as at the time of placing him under formal arrest. The Petitioner as well as his father have endorsed their signatures on the intimation of arrest and grounds of arrest. The search and seizure panchanama dated 04.05.2025, shows compliance of Section 50 of the NDPS Act and, in any case, the compliance of otherwise of Section 50 of the NDPS Act would be a triable issue. The argument about the timelines in the Police narrative and the use of “stock panchas” are also disputed questions of fact. The FIR, the chargesheet and the materials relied upon by the prosecution make out a *prima facie* case against the Petitioner.

10. In the wake of the aforesaid observations, this is not a fit case warranting interference by this Court. Consequently, the Petition is dismissed. The rule is discharged.

11. It is clarified that this Court has not expressed any opinion on the merits of the case or expressed any opinion on the guilt or otherwise of the Petitioner and the Trial Court shall not be influenced by any of the observations made hereinabove in any other proceedings before it.

ASHISH S. CHAVAN, J.