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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

VASANT
ANANDRAO
IDHOL

CRIMINAL BAIL APPLICATION NO.5216 OF 2024

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Maheswaran Thondappa Rajgopal,	)	
Aged : 70 Years, R/o -112,	)	
Poonamalle High Road, Purasawakam,	)	
Chennai, Tamil Nadu – 600 084	)	
(presently in Judicial Custody at	)	
Taloja Prison)	)	...Applicant
V/s.	)	
	)	
1. Union of India,	)	
(Directorate of Revenue Intelligence	)	
(F.No.DRI/MZU/INT-42/2023)	)	
	)	
2. State of Maharashtra	)	..Respondents

Mr.Anand Grover, Senior Counsel with Mr.Ayaz Khan, Ms.Tripti Gandon, Adv.Zehra Charania and Mallika Sharma for the Applicant.

Ms.Megha S. Bajoria, SPP for Respondent No.1.

Ms.Shilpa K. Gajare, APP for the State - Respondent.

CORAM : R.M. JOSHI, J.

DATE OF RESERVE : 18TH MARCH, 2026.

DATE OF PRONOUNCEMENT : 25TH MARCH, 2026.

ORAL ORDER:-

1. Applicant seeks regular bail in connection with C.R.

No. DRI/MZU/NS-II/INT-42/2023 of the offences under Sections 21(c) r/w 8(c), 23(c) r/w 8(c), 25 r/w 8(c), 27A r/w 8(c), 28 r/w 8(c), 29 r/w 8(c) and 30 r/w 8(c) of Narcotic Drug Psychotropic Substances Act (for short '**the Act**').

2. On 19.03.2023 intelligence was gathered that the Applicant is arriving at Chhatrapati Shivaji Maharaj International Airport along with contraband. A note of the said intelligence was taken by the Airport Intelligence Unit (for short '**AIU**'). On arrival of the Applicant, he was intercepted and along with his bags was taken to the office of AIU. In the search of his bags, two pouches containing yellowish power were found. Both pouches were emptied into one transparent self-sealing pouch and it was packed, sealed and seized under panchnama.

3. Applicant was issued notice under Section 67 of the Act and was also directed not to leave without permission of the Authority. It is claimed that in the said statement, Applicant accepted that he was to deliver the said contraband to a person in the room of Hotel Silver Elite. On the basis of the said information, Officer concerned reached to the hotel and

intercepted Accused No. 2. From his person, a sum of Rs.1,58,000/- and passport were recovered. Subsequently, house search of Accused No. 2 was done, in which 98 grams of cocaine and 103 grams of heroin was found. Applicant and co-accused were arrested on 20.03.2023. An application under Section 52(A) of the Act is made before the Magistrate on 19.04.2023 and thereafter samples were sent to FSL for testing. Sample 'A1' and 'C1' tested negative for heroin, morphine, cocaine, amphetamine and methamphetamine and 'B1' tested positive for cocaine. Thereafter with the permission of the Court both samples were sent for retesting. Sample duplicate of 'D1' was tested positive for diacetylmorphine and 'C1' duplicate was the cutting agent comprising phenacetin, lidocaine and caffeine. The inventory panchnama was drawn on 17.08.2022 and samples were sent to analysis on 18.08.2022. On completion of investigation, charge-sheet came to be filed before the Special Court and case is numbered as Special Case No. 1471/2023.

4. Learned Senior Counsel appearing for the Applicant submits that mixing of contraband with respect to alleged

seizure at the Airport attributed to the Applicant is illegal. It is his contention that in order to find out the narcotic substance, carried /possessed by an accused, it is absolutely necessary to keep separate two different contrabands in case seized and the mixing thereof is wholly impermissible under the NDPS Rules and the mandate of various Courts. In this context, it is his submission that there are two CA reports running contrary to each other as the initial reports found negative for the seizure at Airport for 9.98 grams of heroin and from the house of Applicant to the extent of 101 grams of heroin. The second report however indicates positive report for seizure done at Airport but negative report for the seizure done from the premises. It is submitted that considering the said inconsistencies, benefit thereof must go to the accused at this stage.

5. It is further argued that the crime report number is appearing in the written communication under Section 50 as well as statement recorded u/s 67 of the Act. According to him, since the crime has been registered at later point of time, question of appearance of the same would not arise. This, as per

his submission, creates serious doubt about genuineness of case and also the manner in which the entire seizure has been done. He further argued that this is a case of illegal detention of the Applicant and on this count alone, he is entitled to be enlarged on bail. It is argued that the seizure panchnama at the Airport started at 06.30 hours on 19.03.2023 and completed at 10.30 hours and from that time onward the Applicant was in custody of the Respondent. It is his submission that preparation of arrest memo at 07.30 hours on 28.03.2023 is inconsequential. It is thus argued that production of Applicant before the magistrate on 20/03/2023 at 04:45 pm is not within twenty-four hours. It is contended that Applicant was produced beyond 24 hours from the time of his liberty being curtailed and as such, detention of the Applicant being illegal and therefore he deserves to be enlarged on bail. To support his submissions, he placed reliance on following judgments:

(i) Niranjana Singh and Anr. Vs. Prabhakar Rajaram Kharote and Ors., (1980) 2 SCC 559.

(ii) Directorate Of Enforcement Vs. Deepak Mahajan

and Anr., (1994) 3 SCC 440.

(iii) Directorate Of Enforcement Vs. Subhash Sharma, 2025 INSC 141.

(iv) Eepu Ramana, and Anr. Vs. The Senior Intelligence Officer, Directorate of Revenue Intelligence, Criminal Petition No. 5439 of 2024 (Andhra Pradesh High Court).

(v) The Senior Intelligence Officer, Directorate of Revenue Intelligence Vs. Eepu Ramana and Anr., SLP (Crl.) No(s). 10267/2025.

6. It is further argued that there is non-compliance of mandatory provision of Section 50 of the Acct that when the Applicant exercised his right to be searched before Gazetted Officer, the DRI Officer called Deputy Director of their own department and this, according to the Counsel, is in violation of Section 50 of the Act. It is contended that Deputy Director is not an independent Gazetted Officer. It is also argued that the written notice/letter under Section 50 of the Act does not bear the signature of panch witness and as such, there is reason to

believe that this letter has been concocted. It is also claimed that statement of the Applicant recorded under Section 67 of the Act is exculpatory. According to him, statement does not reflect that the Applicant had knowledge of concealment of the contraband in the baggage and as such it cannot be held that this is a case of conscious possession of the contraband by the Applicant. It is argued that in absence of any evidence to connect the Applicant with the alleged seizure at the instance of Accused No. 2, any recovery from the said accused cannot be attributed to the Applicant. Finally, it is argued that Applicant is aged about 70 years and in January, 2023 he had suffered acute stroke multi embolic infarcts and complete thrombosis of distal C6 vertebral level. It is claimed that Applicant is suffering from formation of the clots which would result in the blockage of blood flow to the brain and he was required to rush to the hospital and was treated then. He placed reliance on visit note of Maharashtra State Human Rights Commission to Taloja prison, highlighting the condition of prisoners and lack of essential facilities there. Reference is made to an order of Hon'ble Supreme Court in case

of *Dr. P. Varavarao Vs National Investigation Agency and Anr., SLP (Crl.) No. 5913 of 2022*. On these amongst other contentions, he seeks bail. To support his overall submission reliance is placed on following case laws:

(i) Sami Ullaha Vs. Superintendent, Narcotic Central Bureau, 2008 (16) SCC 471.

(ii) Wajid Ali @ Tinku Vs. State of Rajasthan, SLP (Crl.) No. 7049/ 2025.

(iii) Augestin Sunderraj Nadar Vs. Union Of India and Anr. 2025: BHC- AS:16959.

(iv) Rambabu Vs. State of Rajasthan and Anr., SLP (Crl.) No. 5648 of 2025.

(v) Sk. Selim @ Sk. Salim @ Sekh Salim Vs. The State of West Bengal, SLP (Crl.) No. 8133 of 2022.

7. Learned Special PP for DRI opposed the said contentions by pointing out that *prima facie* there is enough material on record in order to hold that rigors of Section 37 of the Act would apply to the instant case. It is argued that on the

face of it, there is compliance of Sections 42 as well as 50 of the Act and in this regard, attention of the Court is drawn to the charge-sheet. It is argued that the panchnama reflects communication of the right of the Applicant to being searched in presence of another Gazetted Officer of a Magistrate. As far as Gazetted Officer i.e. Deputy Director is concerned, at this stage it cannot be said that there is non-compliance of Section 50 of the Act. In this regard, reference is made to Section 50, which according to her, permits the person to be taken to the nearest Gazetted Officer of any of the Departments mentioned in Section 42. It is thus contended that at this stage, it cannot be said that this search and seizure in presence of Deputy Director is in contravention with the provisions of the Act. It is further pointed out that there is no substance in the contention of Counsel for the Applicant with regard to illegal detention of the Applicant. By referring to notice under Section 67 of the Act, it is argued that it cannot be said that the liberty of the Applicant was curtailed, however, it was only intimated to him that till his statement is recorded, he is expected not to leave without any

intimation to the Authorities, which according to her, does not amount to arrest. In any case, it is argued that it is for the first time such plea was raised by the Applicant, which was never raised either before Magistrate or even in the application filed for bail before the Special Court and hence not entertainable as such plea has been raised at belated stage.

8. As far as objection with regard to mixing of two different portions of seized contraband is concerned, it is pointed out from the charge-sheet that before carrying out such mixing, a test was conducted by Field Testing Kit and since it was found that both portions were of the same contraband, they were mixed. In this regard, reference is made to Rule 10 of Rules 2022, which permits such mixing and making bunches in lot of not more than 10 packages. It is submitted that since the testing was done and it is thereafter mixing was done in order to make packages, there is no irregularity much less illegality done by the Authority. With regard to the arguments in respect of change of colour of the contraband, it is contended that once there is *prima facie* material on record to show that the seized contraband was

sent to CA in sealed condition, there is no reason or justification in order to create any doubt with regard to the same. With regard to second test being carried out of the seized articles, it is contended that the said act of carrying out second test was done pursuant to the order passed by the Special Court and challenge to the said order before this Court was unsuccessful. It is, therefore, contended that having regard to the afore-stated facts and considering the evidence on record indicating the involvement of the Applicant in contraband articles, which is of commercial quantity, this is not a fit case for grant of bail. To support above submissions reliance is placed on following judgements/ orders:

(i) Michael Onyeka Jude Vs. Directorate Of Rvenue Intelligence and Anr., 2023: BHC- AS: 32973.

(ii) Bharat Aambale Vs. State of Chhattisgarh, 2025 INSC 78.

(iii) Zaheer Gayasuddin Shaikh Vs State of Maharashtra and Anr., 2024: BHC-AS: 12664.

(iv) Union Of India Vs. Namdeo Ashruba Nakade,

arising out of SLP (Crl.) No. 9792/2025.

(v) Union of India Vs. Maheswaran Tondappa Rajgopal and Anr., arising out of SLP (Crl.) No. 11433/2025.

(vi) Anil Jaisinghani and Anr. Vs. State of Maharashtra and Anr., 2023: BHC-AS: 10095-DB.

(vii) Maheswaran Tondappa Rajgopal and Anr. Vs. Directorate of Revenue Intelligence, NDPS B.A. No. 772/2023, NDPS Special Court at Greater Bombay.

(vii) Satly Thomas Vs. Union Of India, Criminal Writ Petition No. 3337 of 2025, Bombay High Court.

(vii) Karan Ratan Rokde and Ors. vs. The State Of Maharashtra and Anr., 2025:BHC-AS:17707-DB

(viii) Maheswaran Tondappa Rajgopal and Anr. Vs. Directorate of Revenue Intelligence, NDPS Special Case No. 1471/2023, NDPS Special Court at Greater Bombay.

(ix) Narcotics Control Bureau Vs. Kashif, 2024 INSC 1045: (2024) 11 SCC 372.

9. There is objection raised with regard to the mixing of

two different portions of contraband seized on the ground that it is not so permissible under rules. This is opposed on the ground that the same has been done only after testing the seized contraband and ascertaining it to be homogeneous. In this regard reference can be made to rule 10 of NDPS (Seizure, Storage, Sampling and Disposal) Rules, 2022 (for short “Rules 2022”).

Rule 10 reads thus:

“10. Drawing the samples. –

(1) One sample, in duplicate, shall be drawn from each package and container seized.

(2) When the packages and containers seized together are of identical size and weight bearing identical marking and the contents of each package give identical results on colour test by the drugs identification kit, conclusively indicating that the packages are identical in all respects, the packages and containers may carefully be bunched in lots of not more than ten packages or containers, and for each such lot of packages and containers, one sample, in duplicate, shall be drawn:

Provided that in the case of ganja, poppy straw and hashish (charas) it may be bunched in lots of not more than forty packages or containers.

(3) In case of drawing sample from a particular lot, it shall be ensured that representative sample in equal quantity is taken from each package or container of that lot and mixed together to make a composite whole from which the samples are drawn for that

lot.”

This rule enables the authority/officer to mix the different portions of contraband in the packets not more than ten. Prima facie perusal of record indicated that on seizure of two different portions of purported contraband, the same was tested with Field Testing Kit, in presence of Panch Witness and only after ascertaining the same to be homogeneous contraband, mixing process is done. Thus, at this stage it cannot be said that the act done by the authority contravenes rule 10 of Rules 2022.

10. As far as second testing is concerned, there was challenge raised by Applicant before the Special Court while such prayer was made by the prosecution. Since unsuccessful in said opposition that order came to be challenged before this court. By order dated 27/10/2023 passed in Criminal Appeal No. 142/2023, order of Special Court permitting testing of reserved samples was affirmed. This order has not been taken exception before Supreme Court. Thus, at this stage the issue/objection raised by the Applicant to the double testing of samples cannot be entertained. Similarly, with regards to two different reports in

respect same seized articles is concerned, in order dated 27/10/2023 passed by this court, following observations have been made:

“18. In conclusion, therefore, it is quite clear that the guidelines of Thana Singh's case (supra) were followed by the investigating agency. The second test was conducted during the course of investigation. As of today, the report of CFSL, Pune, showing presence of Heroin in the major contraband i.e. from the sample A1-Duplicate, is on record. The said report cannot be ignored at this stage. The accused will have sufficient opportunity to cross-examine the witnesses during trial and to put forth his submissions in respect of both these reports i.e. report of DYCC and the report of CFSL, Pune. Therefore, I do not see any reason to interfere with the impugned order.”

11. Since this court has already held that the same would be left open for agitation in the trial and that accused has sufficient opportunity to put forth his submissions with regard to these reports, at this stage no benefit thereof could be given to the Applicant/Accused.

12. Furthermore, the record indicated that there is compliance of Section 42 and 50 of the Act, which is mandatory in nature. As far as search in presence of Dy. Director of same department is concerned, Section 50 requires the search in the

presence of Gazetted Officer and the Authority in whose presence the search has been conducted is Appropriate Authority/Gazetted Officer, in whose presence the search is permissible. Thus, on the face of it the search conducted before Dy. Director, DRS, MZV cannot be faulted with. The prejudice if any caused to the Applicant by such search would be raised, considered and determined before the Trial Court. Suffice it to say that prima facie no illegality is shown to have been caused in compliance of Section 50 of the Act, at this stage.

13. As far as non-appearance of signature of Panchas in the said notice u/s 50 is concerned, there is reference in the search and seizure panchanama about such intimation/notice of right u/s 50 of the Act by communicating to the Applicant. Thus, it is not the case wherein there is no reference in the record about issuance of such notice/appraisal to the Applicant of his rights u/s 50. It is held by the Hon'ble Supreme Court in case of ***Ranjan Kumar Chadha vs. State of Himachal Pradesh, 2024 All SCR (Cri) 127***, that such communication of right could be orally or in writing. At this stage there is sufficient

material on record to accept compliance of Section 50 of the Act.

14. The statement of Appellant u/s 67 though may not become substantive evidence, but has relevance during course of investigation. From his statement the connection of Accused No. 2 is revealed and even recoveries were done of incriminating articles from him. This court therefore finds substance in the contention of prosecution about the activity of bringing narcotics substance is concerted activity of Applicant and others.

15. In so far as claim of the Applicant about he being not produced before the Magistrate within twenty-four hours of the arrest is concerned, the prima facie perusal of first order of remand indicates that no plea was raised before the court about non-production of the Applicant within stipulated time after arrest. Applicant came to be arrested on 20/03/2023. He thereafter caused appearance on numerous occasions before the Special Court but no grievance was made in this regard. Similarly, even in bail application file before the Special Court, the said court was not apprised of such defence. It is not his claim that he was not represented by a lawyer of his choice at all

stages of proceeding since the time of his production for the first time before the Magistrate.

16. It would not be out of context to make reference to the order dated 09/12/2025 passed by Division Bench of this Court in case of **Satly Thomas (Supra)**. The said petition came to be filed by the accused therein for declaration that the custody id illegal for non-production within twenty-four hours of arrest. It would be relevant to take note of observations made in para 7 of order which reads thus:

“7) The present Writ Petition being filed in the month of June, raising the very same ground which was vented before the Special Judge and the same ground is agitated before this Court in a Bail Application, where the Applicant is securing bail. We do not find merit in the Petition, as there is unexplained delay in raising the ground alleging violation of fundamental right, we are not inclined to entertain the same. The Petitioner did not bother to file the Petition till the month of June, 2025 and despite his arrest being effected on 19/08/2023 as then it was open for him to seek issuance of writ of habeas corpus alleging his illegal detention at the first opportunity, but not having availed so, we refuse to entertain this ground in the Writ Petition.”

17. Similarly, in judgement dated 21/04/2025 passed in **Karan Ratan Rokde (supra)** in para 25 to 28 following

observations were made:

“25. Having regard to the aforesaid observations of the Hon'ble Supreme Court in various judgments including the judgment delivered by a Five-Judge Bench of the Hon'ble Supreme Court, we have to see whether on the date of filing of this Petition or while deciding this Petition whether the Petitioners were in custody pursuant to the valid remand orders. answer to this aspect will have to be in the affirmative. As mentioned earlier, from 7.7.2023 onwards the Petitioners were in custody pursuant to the valid remand orders passed by the learned Special Judge under the MCOC Act.

26. Another important aspect in this case is that the Petitioners have not approached any Court challenging the legality of their arrest and the remand granted by the Magistrate on 2.7.2023 except in the present Petition. The remand order from 2.7.2023 to 7.7.2023 was not challenged during that period of detention.

*27. Learned APP relied on the case of **Mrinmoy Maity's** case.*

The relevant observations are made in paragraph-9 of the said judgment by the Hon'ble Supreme Court as follows:

"9. Having heard rival contentions raised and on perusal of the facts obtained in the present case, we are of the considered view that writ Petitioner ought to have been non-suited or in other words writ petition ought to have been dismissed on the ground of delay and latches

itself. An applicant who approaches the court belatedly or in other words sleeps over his rights for a considerable period of time, wakes up from his deep slumber ought not to be granted the extraordinary relief by the writ courts. This Court time and again has held that delay defeats equity. Delay or laches is one of the factors which should be born in mind by the High Court while exercising discretionary powers Under Article 226 of the Constitution of India. In a given case, the High Court may refuse to invoke its extraordinary powers if laxity on the part of the applicant to assert his right has allowed the cause of action to drift away and attempts are made subsequently to rekindle the lapsed cause of action."

28. In the present case, as mentioned earlier, there is no justification as to why this issue was never raised for considerable period between 2.7.2023 upto 26.11.2024 when this Petition was filed. The Petitioners were represented by an Advocate right from 2.7.2023. On this ground also we are not inclined to set aside the remand granted on the first occasion by the learned Magistrate on 2.7.2023 and set the Petitioners at liberty."

18. In the above backdrop, in the instant case record indicates that only for first time such plea is raised before this court in present application. It was neither raised before the Magistrate or even before the Ld. Special Court in an application for bail.

19. It is argued on behalf of the applicant that by notice u/s 67 of the Act, he was not allowed to leave office of DRI and hence it amounts arrest being a restrain on personal liberty. Though it is so claimed, there is nothing on record to indicate that he wished to leave office but was prevented from doing so. Needless to say, the disputed facts involved in the instant case cannot be decided at this stage. In this backdrop memo of arrest clearly records satisfaction of the Intelligence Officer DRI, an authority u/s 42 of the Act that Applicant has committed offence and involved himself in conspiracy for procuring, possession, etc. of contraband. This becomes relevant in view of the fact that on statement/information of the Applicant led to seizure of incriminating articles including contraband from co-accused. Considering the peculiarity of facts involved in this case this court finds no substance in the contention of applicant of illegal detention.

20. With regard to the contention of counsel for Applicant about statement of Applicant u/s 67 being ex-culpatory, it is pertinent to note that pursuant to disclosure made by him, there

is recovery of incriminating materials from co-accused.

21. As far as appearance of Crime Number on notice u/s 50 and statement u/s 67 of the Act is concerned, the same is explained in view of the procedure adopted for registration of crime. In considered view of this court, having regard to prima facie material on record and compliance of mandatory nature as provided by the Act being done in this case, the same which would be explainable during trial cannot become sole ground for enlargement of Applicant on bail.

22. Since it is claimed that Applicant is in jail for period of three years it would be relevant to refer to the judgement of Hon'ble supreme Court in case of ***State Madhya Pradesh Vs. Kajad, 2001 (7) SCC 673***. wherein it is held thus:

“5.A perusal of Section 37 of the Act leaves no doubt in the mind of the court that a person accused of an offence, punishable for a term of imprisonment of five years or more, shall generally be not released on bail. Negation of bail is the rule and its grant an exception under sub-clause (ii) of clause (b) of Section 37(1). For granting the bail the court must, on the basis of the record produced before it, be satisfied that there are reasonable grounds for believing that the accused is not guilty of the offences with which he is charged and further that he is not

likely to commit any offence while on bail. It has further to be noticed that the conditions for granting the bail, specified in clause (b) of sub-section (1) of Section 37 are in addition to the limitations provided under the Code of Criminal Procedure or any other law for the time being in force regulating the grant of bail. Liberal approach in the matter of bail under the Act is uncalled for.”

23. Similarly, in case of ***NCB vs. Mohit Aggrawal, (2022) 8 SCC 374***, it is held that the length of the period of his custody or the fact that the charge-sheet has been filed and trial has commenced are, by themselves, not considerations that can be treated as persuasive ground for grant of relief to the Respondent under Section 37 of the NDPS Act.

23. In so far as non-compliance of Section 52A of the Act is concerned, a fruitful reference can be made to judgement of Supreme Court in case of ***NCB Vs. Kashif, (2024) 11 SCC 372***, wherein discussion on this point is summarized by the Hon’ble Supreme Court as under:

“50. The upshot of the above discussion may be summarized as under: -

50.1 The provisions of NDPS Act are required to be interpreted keeping in mind the scheme, object, and purpose of the Act; as also the impact on the society as

a whole. It has to be interpreted literally and not liberally, which may ultimately frustrate the object, purpose, and Preamble of the Act.

50.2 While considering the application for bail, the Court must bear in mind the provisions of Section 37 of the NDPS Act which are mandatory in nature. Recording of findings as mandated in Section 37 is sine qua non is known for granting bail to the accused involved in the offences under the NDPS Act.

50.3 The purpose of insertion of Section 52A, laying down the procedure for disposal of seized Narcotic Drugs and Psychotropic Substances, was to ensure the early disposal of the seized contraband drugs and substances. It was inserted in 1989 as one of the measures to implement and to give effect to the International Conventions on the Narcotic drugs and psychotropic substances.

50.4 Sub-section (2) of Section 52A lays down the procedure as contemplated in sub-section (1) thereof, and any lapse or delayed compliance thereof would be merely a procedural irregularity, which would neither entitle the accused to be released on bail nor would vitiate the trial on that ground alone.

50.5 Any procedural irregularity or illegality found to have been committed in conducting the search and seizure during the course of investigation or thereafter, would by itself not make the entire evidence collected during the course of investigation, inadmissible. The Court would have to consider all the circumstances and find out whether any serious prejudice has been caused to the accused.

50.6 Any lapse or delay in compliance of Section 52A by itself would neither vitiate the trial nor would

entitle the accused to be released on bail. The Court will have to consider other circumstances and the other primary evidence collected during the course of investigation, as also the statutory presumption permissible under Section 54 of the NDPS Act.”

24. Finally, with regard to bail sought on medical ground, it is necessary to take note of the order dated 17/02/2026 passed by this court in present Application. The relevant portion of the said Application reads thus:

“3. By the order dated 9 February 2026, Ms. Gotad was requested to call for a report from the Superintendent, Taloja Central Prison regarding the health status of the Applicant. Today, Ms. Gotad has placed on record the said report concerning the health status of the Applicant. The same is taken on record and marked as "X" for identification.

4. The report is dated 16th February 2026, the present health status according to report is as under:

"Present Health Status: *The said prisoner was examined by prison medical officer on dated 10/02/2026. He has no active complaints. However, he is known case of Left sided hemiparesis with cerebrovascular accident (stroke) and hypertension for which he takes regular medicines. At present his general condition is moderate and vital parameters are within normal limits. He has decreased power in left upper and lower limb. He will refer to higher center as and when needed as per the availability of police escorts."*

5. Considering that the Applicant is stable and does not have any active complaints presently, I am not inclined to grant Interim Bail to the Applicant. However, it is made clear that in case of any medical emergency or any deterioration in the medical condition of the Applicant, the prison authorities shall take the Applicant for treatment to the J.J. Hospital as and when needed, irrespective of the availability of adequate police escort.”

25. There is specific direction to Jail Authorities to take Applicant to J. J. Hospital irrespective of availability of police escort which takes care of apprehension of the counsel for Applicant. No further order therefore is needed for want of change in circumstances.

26. Upshot of above discussion is that this court has no reason to believe that Applicant has neither committed offence nor that he would not commit an offence if he is released on bail. Hence Application stands dismissed.

(R.M. JOSHI, J.)