

Shivgan

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 5292 OF 2024

Amoin Marie Kouame

...Applicant

Versus

Intelligence Officer and Anr.

...Respondents

Mr. Advait Tamhankar, i/b Shekhar S. Bhandary and Karthik S. Bhandary, for the Applicant.

Ms. Sangeeta Yadav, with Ashutosh Mishra, for the Respondent - DRI.

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

CORAM: R. M. JOSHI, J.

DATED: 26th MARCH, 2026.

PC:-

1. Learned counsel for the Applicant submits that he is seeking bail on the ground that the Applicant, who is a lady was searched in presence of male officers, which is contrary to the provisions of Section 50 (4) of the Narcotic Drugs and Psychotropic Substances Act, 1985, so also the judgment of a Division Bench of this Court in case of ***Veneela Tilak v. Shahasane, Assistant Collector of Customs & Anr.***¹ He also places reliance on the other orders of the co-ordinate bench of this Court on the similar point. Apart from this, the Applicant was arrested on 21st December 2023 and she was not given the grounds of arrest. This, according to him, is

1 1997(2) Mh.L.J. 337

contrary to the judgment in the case of *Pankaj Bansal v. Union of India & Ors.*²

2. He further submits that there could not be any substance in the contention of the prosecution relying upon the memo of arrest indicating the reasons for arrest, as in the complaint itself it is specifically stated in paragraph 21 that after informing the Applicant grounds of her arrest, she was served with an arrest memo dated 21st December 2023. This according to him is not in compliance with the judgment in the case of *Pankaj Bansal (Supra)*.

3. At the request of learned counsel for the Applicant, stand over to 30th March 2026. Part-heard.

(R. M. JOSHI, J.)

SHAMBHAVI
NILESH
SHIVGAN
Digitally
signed by
SHAMBHAVI
NILESH
SHIVGAN
Date:
2026.03.27
15:56:04
+0530