

Shivgan

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 393 OF 2025

Azhar Asmat Ansari	...Applicant
<i>Versus</i>	
State of Maharashtra	...Respondents

Mr. Ayaz Khan, with *Dilip Mishra, Zehra Charania & Mallika Sharma*, for the Applicant.

Mr. Mayur S. Sonavane, APP for the Respondent-State.

Mr. Khandare (IO), API attached to RCF Police Station, present.

CORAM: R. M. JOSHI, J.

DATED: 11th MARCH, 2026.

PC:-

1. Learned counsel for the Applicant is heard.
2. It is his submission amongst the other that there is non-compliance of Section 42 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS Act'), which is mandatory in nature. To support his submissions, he places reliance on the following judgments/orders:-

(1) *Wajid Ali @ Tinku v. State of Rajasthan*¹

(2) *Union of India v. Augustin Sunderraj Nadar & Anr.*²

1 SLP (Crl.) No. 7049/2025 decided on 9.2.2026

2 SLP (Crl.) No.10641-10642/2025 decided on 7.11.2025

- (3) *Rambabu v. State of Rajasthan & Anr.*³
- (4) *Augustin Sunderraj Nadar v. Union of India & Anr.*⁴
- (5) *Javed Ayub Khan v. State of Maharashtra*⁵
- (6) *Imran Jahurul Kha v. State of Maharashtra*⁶

3. It is his further submission that apart from non-compliance of Section 42 of the NDPS Act, on other grounds too, the Applicant is entitled to bail.

4. The learned APP after making submissions, seeks further time to respond to the arguments of the learned counsel for the Applicant, more particularly, in respect of non-compliance of Section 42 of the NDPS Act.

5. At his request, stand over to 16th March 2026 Part-heard.

(R. M. JOSHI, J.)

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- 3 SLP(Crl.) No.5648/2025
 - 4 2025:BHC-AS:16959
 - 5 Bail Application No.2592 of 2025 decided on 9.2.2026
 - 6 2026:BHC-AS:11120