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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

VASANT ANANDRAO IDHOL

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CRIMINAL BAIL APPLICATION NO.616 OF 2025

Mohd.Nandir Nabiullah Shaikh ...Applicant
V/s.
State of Maharashtra ...Respondent

Mr.Amol Thombre with Mr.Vishal Sarode for the Applicant.

Mr.H.J. Dedhia, APP for the Respondent – State.

Mr.Mahesh Anjanwad, PSI, Shivajinagar Police Station present in Court.

CORAM : R.M. JOSHI, J.
DATE : 4TH MARCH, 2026.

P.C. :-

1. This Application is for regular bail in connection with C.R. No.371 of 2024 registered under Section 8(c) r/w 22(c) of the NDPS Act with Shivaji Nagar Police Station, Mumbai. It is the case of the prosecution that on the day of incident, the officers of the Shivaji Nagar Police Station, Mumbai where on patrolling duty and while doing so, they spotted the Applicant

in suspicious manner. An enquiry was made with him and during the search, 43 bottles of Codeine were found in a bag carried by him with him. It was found the contraband drug. Thereafter the samples were drawn. Inventory was made before the Metropolitan Magistrate. The Applicant came to be arrested on 6th May, 2024. On conclusion of the investigation, chargesheet is filed.

2. Learned counsel for the Applicant submits that there is violation of the Standing Order issued in respect of drawing samples and the percentage thereof. It his submission that out of 57 bottles of Codeine, only 2 bottles of Codeine were taken as sample. It is further his arguments that there is doubt with regard to sending of samples for inventory to the Metropolitan Magistrate and the acknowledgment given by the Clerk of the said Court, indicates that it was received on 3rd July, 2024, i.e. the day on which the inventory was done. It is his further submission that there is non-compliance of Section 50 of the NDPS Act, as it was not specifically informed to the Applicant about his right to be taken search before the Metropolitan

Magistrate or the Gazetted Officer. It is his submission that the endorsement given by the Applicant is not sufficient to show the said compliance. He further argued that the contents of the bottles were 10 ML and therefore, it does not amount to the commercial quantity in order to apply the provisions of Section 37 of the NDPS Act. Finally in support of his submissions, he placed reliance on the order passed by a Co-ordinate Bench of this Court in Bail Application No.501 of 2025. Learned counsel for the Applicant submits that the panch witness used herein this case is habitual.

3. Learned APP opposes the Application. It is his submission that the seizure of the contraband articles are not from the person of the Applicant but from the bag which he was carrying. It is submitted by relying upon the judgment of the Hon'ble Supreme Court in case of ***Ranjan Kumar Chadha vs. State of Himachal Pradesh, 2023 LiveLaw (SC) 856***, that Section 50 would have no application in such case. Insofar as the antecedents against the Applicant is concerned, it is pointed out that there are about 7 crime registered against him. Learned

counsel for the Applicant refutes the said contention by submitting that there is only one crime, which is pending against him and in another crime, acquittal has been recorded. Learned APP placed reliance on the judgment of the Hon'ble Supreme Court in case of ***Hira Singh & Anr. vs. Union of India & Anr. (2020) 20 SCC 272***.

4. There is no dispute about the fact that there is seizure of the contraband articles i.e. 57 bottles of Codeine from the bag which was carried by the Applicant with him. Having regard to the said fact, the judgment of the Hon'ble Supreme Court in ***Rajan Kumar*** (supra) squarely applies to the present case.

5. Insofar as the other contentions with regard to the inventory, the habituality of the pancha witnesses and the quantity of the samples, the same are matter of trial. Suffice it to say that *prima-facie* a case has been made out against him of showing his involvement in serious crime, who also has criminal history behind him.

6. Having regard to the afore stated facts, this Court finds no reason to grant bail to the Applicant. It is however,

clarified that if the trial does not get over within a period of one year, it would be open for the Applicant to again revive his request for bail.

7. Application shall stands dismissed in above terms.

(R.M. JOSHI, J.)