

Shubhada S Kadam

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 745 OF 2025

Afzal Imam Nadaf

....Applicant

VERSUS

The State of Maharashtra

....Respondent

Mr. Zoheb Shaikh, Advocate for Applicant.

Ms. Ranjana D. Humane, APP for Respondent-State.

Mr. A. S. Sarde, HC-6607, ANC-1-Crime Pune, present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 10th APRIL, 2026.

P.C. :

1. By this application, the applicant is seeking regular bail in Crime No. 11 of 2023 registered with Yerwada Police Station, District Pune, for the offences punishable under Sections 8(c), 22(c), 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short “NDPS Act”).

2. It is prosecution's case that on 4th January 2023, around 7:10 PM, police apprehended the applicant and accused, and in their personal search, police found 100.38 grams of mephedrone (for short “MD”).

3. It is contention of learned counsel for the applicant that the applicant is behind bars for around three years and three months, and there is no progress in the trial. There is a violation of Section 52A of

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NDPS Act, as the inventory before the magistrate was not sent for CA sampling. There is a violation of Section 41(2), as the arrest of the applicant was post-sunset and no authorization for the arrest was taken. The co-accused has been released on bail by the trial court. It may take time to conclude the trial, and requested to allow the application.

4. Learned APP submitted that the police seized 100.38 grams of MD from the applicant, which is a commercial quantity, and therefore Section 37 of the NDPS Act is attracted. The prosecution has complied with all mandatory provisions. The sample was drawn at the spot for the purpose of chemical analysis, which were exhibited as S-1 and D1. Muddemal was also sent for inventory before the magistrate, and inventory was prepared on 24th March 2023. If the applicant is released on bail, he may abscond, and requested to reject the application.

5. I have heard both learned counsel, perused charge- sheet and documents produced on record. The sample S-1 of the seized contraband was sent for CA examination from the spot. There is a violation of Section 52A of the NDPS Act as the inventory before the magistrate was not sent for CA samples. Moreover, the sample which was seized at the spot was marked as S-1, but the sample sent for CA is R-1, which is not referred to in the seizure panchnama. Considering these facts, as well as that the applicant is behind bars for more than three years and three

Shubhada S Kadam

months and it may take time to conclude the trial, I pass following order:

ORDER

- (i) The applicant be enlarged on bail in Crime No. 11 of 2023 registered with Yerwada Police Station, District Pune, on executing P.R.Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.
- (ii) The applicant shall attend the concerned police station as and when required.
- (iii) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

The application is allowed in the aforesaid terms and is accordingly disposed of.

6. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.

7. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)