

Navnath Waghmare (RA)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1382 OF 2025

Saud Siraj Sayed	...Applicant
<i>Versus</i>	
The State Of Maharashtra	...Respondent

Mr. Gaurav Bhawnani for the Applicant.

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

Mr. Uday Pathak, PSI, ANC MBVV Police Station.

CORAM: R. M. JOSHI, J.

DATED: 30th MARCH, 2026

PC:-

1. Learned counsel for the Applicant at the outset, submits that the entire panchanama drawn at the office of ANC is illegal. In view of the fact that immediately after being caught. The applicant was not informed of his right to be searched in presence of Gazetted Officer or Magistrate. It is his submission that unless the person to be searched is informed of, and he seeks search before the Gazetted Officer or Magistrate as contemplated Section 50(2) of the Act, he cannot be detained in custody for any time and search must be taken forthwith. It is his further submission that

without search / intimation when the applicant is taken to the office of ANC, he had been deprived of his right under Section 50 of the Act. Apart from this, it is his submission, that perusal of the panchanama itself creates doubt as to the place at which it was recorded so also the recovery of the contraband from the bag-pack allegedly held by the applicant. According to him, in view of the fact that there is no recovery of the bag-pack, shown therein, seizure of contraband becomes doubtful.

2. Finally, he argues that there is no compliance of Section 52-A of the Act, as the certificate of the Magistrate is detained a week after conducting the inventory panchanama.
3. Learned APP seeks to response to this submission.
4. At his request, stand over to 02nd April, 2026.

(R. M. JOSHI, J.)