

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL BAIL APPLICATION NO. 3293 OF 2025

|                       |               |
|-----------------------|---------------|
| Tochukawu Tobias Umeh | ...Applicant  |
| <b><i>Versus</i></b>  |               |
| State Of Maharashtra  | ...Respondent |

---

**Ms. Ashwini Achari i/b. Mr. Taraq Sayed**, for the Applicant.  
**Ms. Veera Shinde, APP**, for the Respondent - State.  
**Mr. N. B. Chavan, PSI**, A.N.C. Azad Maidan Unit, Mumbai, is  
present

---

**CORAM: R. M. JOSHI, J.**

**DATED: 18<sup>th</sup> MARCH, 2026**

**PC:-**

1. Learned Counsel for the Applicant submits that here in this case co-accused are already enlarged on bail and apart from parity, the Applicant is entitled to seek bail on merit. It is her submission by referring to the chargesheet that there is non compliance of Section 42 of the NDPS Act. According to her, admittedly, some information was received from accused No.2 which led alleged recovery of contraband from accused No.3. Even in such circumstances she contends that the State requires compliance of Section 42(2) of NDPS Act which is absent here in this case. To support of her submission she placed reliance on the order of co-ordinate Bench of this Court dated 1<sup>st</sup> February, 2023 passed in Bail Application No. 1760 of 2021. It is also argued that here in this case there is non compliance of

Section 52-A as no inventory has been done before the Magistrate. It is her further submission that the Applicant is in jail for a period of four years and hence he be enlarged on bail.

2. Learned APP opposed the submission with regard to the non compliance of Section 52-A of NDPS Act pointing out the date of amendment to the Section 52 incorporating mandatory requirement of inventory being drawn before the Magistrate.

3. Learned APP on compliance of Section 42, seeks time to go through the record and to make submission in this regard. Learned APP however informs the Court that there is one antecedent against the Applicant in similar crime. In response thereto, learned Counsel for the Applicant submits that in the said crime Applicant is already enlarged on bail.

4. At the request of the learned APP, stand over to **23<sup>rd</sup> March 2026.**

**(R. M. JOSHI, J.)**

VDMokal/-