

Shubhada S Kadam

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 481 OF 2026

Surtaram S/o. Kishnaram

...Applicant

versus

The State of Maharashtra and anr.

...Respondents

Mr. Ali Kaashif Khan Deshmukh, Ms. Snigdha Khandelwal, Mr..Farid, Mr. Abrar Burondkar, Advocate for Applicant.

Mr. B. B. Kulkarni, APP for Respondent No.1-State.

Mr. Rushikesh Munde, SPP along with Advocate-Shatabdi Netke, Advocate for Respondent-Pune Customs.

CORAM : SHIVKUMAR DIGE, J.

DATE : 23rd APRIL, 2026.

P.C. :

1. By this application, the applicant is seeking regular bail in Crime No. 1 of 2025 registered with Customs, Pune, for the offences punishable under 21(c), 22(c) and 29 read with Section 8(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. It is prosecution's case that on 22nd February 2025, on secret information, the applicant was apprehended at Khadi Machine Chowk, Pune. During his personal search, the police found 21.56 grams of Mephedrone (MD). Thereafter, during the search of his house, the Customs team found 46.06 grams of MD.

Digitally
signed by
SHUBHADA
SHANKAR
KADAM
Date:
2026.04.27
11:30:51
+0530

Shubhada S Kadam

3. It is contention of learned counsel for the applicant that a Gazetted Officer, namely Sonal Jawanjale, Deputy Commissioner, was a part of the raiding team, which is in violation of Section 50 of the NDPS Act. The applicant is behind bars for more than one year. Hence, requested to allow the application.

4. It is contention of learned SPP that the applicant was apprehended by the Customs Team, and in his possession, 21.56 grams of MD was found. During the search of his house, 46.06 grams of MD, which is a commercial quantity, was found. There is no violation of Section 50 of NDPS, as the necessary information was given to the applicant. Although the Deputy Commissioner was part of the team, the search of the applicant was conducted by the Customs Officer. If the applicant is released on bail, he may abscond and requested to reject the application.

5. I have heard both learned counsel, perused the charge-sheet and documents produced on record. Admittedly Sonal Jawanjale, Deputy Commissioner, was present at the time of the search and was part of the raiding team. This Court in Abdul Kadir Ghogari vs. Union of India and anr. (Bail Application No.1646 of 2022, Order dated 15th September 2023), has observed that a superior officer who is part of the investigating team, cannot be considered as an independent officer under Section 50 of the NDPS Act. In the present case, as the Gazetted Officer

Shubhada S Kadam

was part of the raiding team, she cannot be treated as an independent officer. The applicant is behind bars for more than one year. Considering these facts, I pass the following order.

ORDER

- (i) The applicant be enlarged on bail in Crime No. 1 of 2025 registered with Customs, 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.)