

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1468 OF 2026

Heron Ashok Ray	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

Mr. Somnath Iyer, for the Applicant.

Mrs. Sangeeta Shinde, APP, for the Respondent – State.

API - Khandagale, ANC Bandra Unit, is present.

CORAM: R. M. JOSHI, J.

DATED: 5th May, 2026

PC:-

1. Applicant seeks bail in connection with C.R. No 18 of 2020 registered with ANC, Bandra Unit, Mumbai for the offence punishable under Sections 8(c) read with Section 22(c) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, “NDPS Act”).

2. This bail is sought solely on the ground that there is non-compliance of Section 50 of the NDPS Act. Learned Counsel for the Applicant submits that no separate notices are given to the

Applicant indicating his right to be searched before the Magistrate or before the Gazetted Officer. To support his submission he placed reliance on judgment in a case of ***State of Rajasthan Vs. Premanand And Another (2014) 5 Supreme Court 345.***

3. Learned APP opposed the application by pointing out notice given to the Applicant in this regard. She also makes statement that there only remains one witness to be examined before the Trial Court. And that the trial is on the verge of conclusion.

4. This Court was not inclined to pass any order or to make any observations even *prima facie* in view of the fact that only one witness is to be examined and trial would get over in short of time. However, learned counsel for the Applicant has invited an order. Hence, this order.

5. *Prima facie* perusal of the record indicates that there is a written notice given to the Applicant indicating his right to be searched before the nearest Magistrate or Gazetted Officer.

There is complete compliance of Section 50 of the Act. As such this not the case for grant of bail. Hence, following order.

ORDER

Application stands dismissed.

The observations made are *prima facie* in nature and won't bind parties/Court during trial.

(R. M. JOSHI, J.)

VDMokal/-