

MHRT010003022026



IN THE COURT OF JUDGE,SPECIAL COURT,, RATNAGIRI

(Presided over by V. Y. Jadhav, Judge, Special Court, Ratnagiri)

CRIMINAL BAIL APPLICATION NO. 41 OF 2026.

Arman Liyakat Dhamaskar

Age 27 years, Occupation – Service,
R/o. C-2, Sai Bhumi Nagar, J.K.File,
Ratnagiri, Tal. Dist. Ratnagiri.

Applicant.

Versus

State of Maharashtra,

Through, Inspector of Police,
City Police Station Ratnagiri.
Crime No. 141/2026.

Opponent

Order Below Exh. 01

(Dictated and delivered in open Court on 13/06/2026)

1. This is an application filed by Arman Liyakat Dhamaskar for bail under Section-483 of B.N.S.S. in connection with C.R.No.141/2026 registered with Ratnagiri City Police Station for the offence punishable under Section-8(c), 21(b) of N.D.P.S. Act.

2. Heard learned counsel Shri.M. L. Dingankar for applicant and learned S.P.P. Shri.A. A. Fansekar for the State.

3. Perused application, say and relevant documents.

4. Learned counsel for the applicant Shri. M. L. Dingankar submitted that, as per prosecution case that they allegedly found the applicant is in suspicious manner and though the informant and raiding team were aware that there were previous crime registered against the applicant under the provision of NDPS Act, they conducted his personal search without compliance of Section 50 of the NDPS Act. This itself is serious lapse on the part of the investigation and therefore, it is clear violation of Section 50 of the NDPS Act. Hence, the applicant is required to be enlarged on bail.

5. He further submitted that even otherwise bar of Section 37 would not be coming into play due to lapses on the part of the police. That the entire procedure is doubtful and there is every likelihood of false implication. Even otherwise the seizure has completed and there is no need of further custody of the applicant for investigation purpose.

6. In support of argument he relied upon on the case of *Sholadoye Samuel Joy Vs. State of Maharashtra*, reported in *AIROnline 2022 Bom 179*.

7. On the other hand Ld. SPP Shri. A. A. Fansekar submitted that this is third consecutive offence by the same accused. So far as the compliance of Section 50 is concerned when the accused was found during random patrolling. It is not accepted that the raiding party would doubt that he would be possessing the contraband articles. When it was found immediately compliance of Section 50 was done. It is not deliberate, rather it is necessary to consider that the applicant was found with conscious possession of the contraband articles which were more than small quantity. The applicant has misused the condition of bail in previous crime.

8. That during investigation a syndicate has revealed and investigation in that regard is in progress. The offence is more serious and against society at large. Considering these aspects and possibility of tampering with the evidence the application may be rejected.

9. In the present case the prosecution has tried to submit that it is not the case of receiving any secret information, but the accused was found during random patrolling. Therefore, provision of Section 50 of the NDPS Act may not be necessary. Moreover, it has also

submitted that a syndicate has revealed and the co-accused is still absconding. However, on the same point the defence has rightly pointed out that till today the so called co-accused or supplier has not arrayed as accused even in the remand report or in the latest say to the bail application. This thing was not mentioned even in first reply filed to the bail application.

10. The prosecution has tried to submit that there are criminal antecedent against the applicant. This aspect is also mentioned in the FIR as well. It appears that this background was main reason for personal search of the accused. In these circumstances and in the view of observations of the Hon'ble Bombay High Court in the case of ***Sholadoye Joy Supra*** the compliance of Section 50 was mandatory. The observations in paragraphs No. 14 to 16 of the said decision are as follows;

"14. A simple reading of the same would show that the applicant was not apprised of his right under Section 50 of the NDPS Act to be searched "only" before a Gazetted Officer or a Magistrate as mandated by Hon'ble Apex Court in Vijaysinh Chandhbha Jadeja's case (Supra).

15. In view of above, I do not agree with the contention of learned APP that there was due compliance of Section 42 and 50 of the NDPS

Act, inasmuch as search and recovery made from the applicant of the alleged contraband (cocaine) does not satisfy the mandatory requirement of provision as held by the Hon'ble Apex Court in Vijaysinh Chandhubha Jadeja.

16. In view of above, I hold that the applicant has made out a case for bail. Hence, I pass following order.

11. Therefore, in spite of the serious allegations against the accused there is no alternative but to enlarge the accused on bail due to serious lapses on the part of the police machinery of noncompliance of Section 50 of the NDPS Act. Considering the seriousness of the alleged offence, it is necessary to impose stringent conditions on the applicant while enlarging him on bail. Hence, I pass following order.

ORDER

1. The application is hereby allowed.
2. Applicant- Arman Liyakat Dhamaskar be enlarged on P.R. bond of Rs.1,00,000/- (Rupees One Lakh Only) with one or two solvent sureties in the like amount, in connection with Crime No. 141/2026 registered with Ratnagiri City Police Station for the offence punishable under Section-8(c), 21(b) of N.D.P.S. Act on following conditions.

- a) He shall remain present in concern police station on every Tuesday and Friday in between 11.00 a.m. to 02.00 p.m. till filing of charge-sheet and co-operate the Investigating officer in investigation.
 - b) He shall not tamper the prosecution evidence.
 - c) He shall not commit any other or further offence.
 - d) He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer.
 - e) He shall remain present on each and every date before the court for facing trial.
 - f) He shall give documentary proof of his identification and permanent residence at the time of his furnishing surety.
 - g) He shall not leave India without previous permission of the Court.
3. Inform the concerned accordingly.

Date: 13.06.2026

(V. Y. Jadhav)
Special Judge, Ratnagiri.

I affirm that the contents of this P.D.F. file order are same, word to word, as per the original order.

Case Number		Cri. Bail Appln.No.41/2026
Name of Stenographer	:-	Sou. P. S. Lad
Name of Court	:-	Special Judge, Ratnagiri.
Date of Dictation	:-	13.06.2026
Order signed by the P.O. on	:-	13.06.2026
Order uploaded on	:-	13.06.2026