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## IN THE HIGH COURT OF BOMBAY AT GOA

## CRIMINAL APPLICATION (BAIL) NO.173 OF 2026 (F)

ALFIN THOMAS

... Applicant.

*Versus*STATE OF GOA THR  
POLICE INSPECTOR

... Respondent.

Ms. Sana Khan (through V.C.) with Mr. Vasudev Salkar,  
Advocates for the Applicant.

Mr. Anand Shirodkar, Advocate h/f Mr. P. Faldessai,  
Additional Public Prosecutor for the Respondent.

CORAM: DR. NEELA GOKHALE, J.

DATED: 10<sup>th</sup> April, 2026P.C.:

1. The Applicant seeks his release on bail in connection with FIR No.15/2025 dated 30<sup>th</sup> May 2025 registered with the ANC Panaji Police Station for offences punishable under Sections 20(b)(ii)(A) and 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS Act'). The Applicant was arrested on 30<sup>th</sup> May 2025. There is only one accused.

2. The case of the prosecution in brief is that on 29<sup>th</sup> May, 2025, while the police officials of the ANC Panaji Police Station were on patrolling duty, they received specific and reliable



information that one male person namely, the Applicant herein, travelling in a white colour Swift car on 29<sup>th</sup> May, 2025 between 20:00 hours to 20:30 hours, was to deliver narcotic drugs to his customers near Ganesh Visarjan Point, Oxel, Siolim, Goa. Since there was no time to obtain a search warrant, after following the due procedure of the provisions of the NDPS Act, the Applicant was intercepted by the Police. All the compliances were made, and the Applicant and the car were searched. Nothing was recovered from the person of the Applicant; however, 200 grams of ganja was recovered from a polythene bag in the said car.

3. The said bag was placed in an envelope and sealed with the seal of ANC Police Station, Panaji, Goa 5, with the Ashoka Emblem. Thereafter, the said envelope was sealed with cello tape and the panchas, the Investigating Officer-Mr. Redkar, and the Applicant signed on the said envelope. Also, blot papers having the symbol "Om" printed on them were also recovered from the glove compartment of the car. The said blot papers were also contained in a transparent auto-press polythene packet. The same was preserved in a green envelope. The envelope was packed and sealed with the seals of the ANC Police Station having inscription with Ashoka Emblem. The said envelope was also signed by the Investigating Officer Mr. Dindayal Redkar, the panchas and the Applicant. The blot



papers were tested, the same being found to be LSD of commercial quantity. Hence, pursuant to the FIR being registered against the Applicant, the Applicant was placed under arrest on 30<sup>th</sup> May 2025. The charge is framed by the Trial Court.

4. The Applicant made an application seeking bail before the Trial Court however, his application was rejected. Hence, he is before this Court for the reliefs as prayed.

5. Ms. Sana Khan along with Mr. Vasudev Salkar, learned Counsel appearing for the Applicant, raised an objection that there is a discrepancy in the seized envelopes signed by Mr. Redkar when the contraband was seized and sealed in the said envelopes, and the envelopes which were produced before the Magistrate at the time of inventory. Ms. Khan pointed to the inventory document wherein it is recorded that the envelope containing relevant details of seizure is signed by one PI Sajith Pillai, two panchas and the Accused, i.e. the Applicant herein. Ms. Khan argues that, in fact, the spot panchanama clearly indicates that it was Mr. Redkar, the Investigating Officer, who signed the envelope and not Mr. Sajith Pillai.

6. According to Ms. Khan, there is also a delay in forwarding the samples to the FSI, and there is no Chemical Analyser (CA) report yet.



7. Ms. Kamat Wagh, learned Additional Public Prosecutor, representing the State, has filed an affidavit explaining this discrepancy. She stated that the initial search and seizure was lawfully conducted by the raiding official Mr. Redkar, and the seized contraband was duly sealed at the spot of the ANC Police Station in the presence of the pancha witness and the Applicant, in full compliance with the provisions of law. She submits that, however, at the time of recording the inventory, instead of Mr. Redkar, it was Mr. Sajith Pillai who had appeared before the Magistrate and hence, by an error, the name of Mr. Sajith Pillai has been recorded in the Inventory Proceedings. She submits that the original envelope is marked and signed by Mr. Redkar, the Investigating Officer, panchas and the Applicant herein. She also points to the recording of the Inventory itself, which records that Mr. Sajith Pillai took the greenish envelope containing relevant details of seizure, which was marked as Exhibit-I by PSI Deendayalnath Redkar., i.e. the Investigating Officer.

8. Ms. Kamat, thus, submits that there are no lapses in the investigation, and the discrepancy is purely because of a typographical error made by the typist/clerk in the Court. She submits that the quantity of contraband recovered from the Applicant is a commercial quantity and the embargo of Section 37 will apply.



9. I have heard Counsel for the respective parties and have also gone through the papers with their assistance.

10. I have gone through the chargesheet in detail. All the compliances under the NDPS Act are seen to be complied with. It appears that the envelope produced before the Magistrate during the Inventory Proceedings does bear the signature of Mr. Redkar. However, additionally, the name of Mr. Sajith Pillai is also recorded in the Inventory document as Mr. Pillai appeared before the Magistrate. As averred by Mr. Redkar, the PSI and the Investigating Officer in the said crime in his affidavit, the name of Mr. Sajith Pillai appears on the Inventory Proceedings purely as an error.

11. Admittedly, a commercial quantity of contraband was recovered from the Applicant. There is a clear embargo on bail as provided under Section 37 of the NDPS Act, the conditions therein are not mere formalities but constitute a legislative mandate to be satisfied that there are reasonable grounds for believing that the accused is not guilty of such offence, and he is not likely to commit any offence while on bail. The alleged discrepancy and the objection raised by Ms. Khan will be considered by the Trial Court in the trial.

12. The maximum sentence prescribed for the offence is 20 years, and the Applicant has undergone incarceration for ten



months. This cannot be termed as a long incarceration considering that a huge quantity of LSD was recovered from him, which constitutes a commercial quantity. The charges are framed in the trial, and Ms. Kamat Wagh states that the trial programme will be submitted to the Trial Court on the next date before the Trial Court. The Supreme Court in *Union of India v. Vigin K. Varghese*<sup>1</sup> held that in cases involving commercial quantity, mere long incarceration cannot by itself dilute the rigours of Section 37 of the NDPS Act. The Court must be satisfied of the twin conditions as well.

13. In view of the aforesaid, I am not inclined to enlarge the Applicant on bail as there are no reasonable grounds to believe that the Applicant is not guilty of the offence under the NDPS Act or that he is not likely to commit the said offence again. Hence, the Application is rejected.

14. In view of the above, the Application is disposed of.

**DR. NEELA GOKHALE, J.**

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<sup>1</sup> 2025 SCC OnLine SC 2440.