

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.4076 OF 2026**

Deepika Amit Singh Saini ...Petitioner

Vs.

Union of India & Anr. ...Respondents

Dr. Yusuf Iqbal a/w Mustaga Chitawala, Zain Shroff, Shubhashree Yewale i/b YNA Legal for Petitioner.

Mr. Jitendra Mishra Spl. PP a/w Sangeeta Yadav and Umesh Gupta and Ashutosh Mishra for Respondent No.1.

Ms Gauri Rao, APP for State/Respondent.

**CORAM : SARANG V. KOTWAL &
RANJITSINHA RAJA BHONSALE, JJ.**

DATE : 30th SEPTEMBER 2026.

PC :

1. The petition is filed by the Detenu's wife on the ground that the Detenu's arrest is illegal and his continued detention is also illegal.

2. Heard, Mr. Yusuf Iqbal Learned Counsel for the Petitioner, Mr. Jitendra Mishra, Learned Special PP for Respondent No.1 and Ms Gauri Rao, Learned APP for State.

3. The Detenue was arrested for commission of offences punishable under Sections 25, 27A and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'). During the pendency of this Petition, the samples drawn by the investigating agency were sent for chemical analysis. Learned Special Prosecutor appearing for Respondent No.1 Union of India on instructions states that the analysis has revealed that no offence under NDPS Act is made out. The statement is recorded and accepted.

4. As of today, no other offence under any other Act is mentioned in the investigation papers. However, Learned Special Prosecutor submits that the allegations against the Detenue would attract provisions and violation of the Customs Act. At the same time, he concedes that as of today, no such offence is mentioned anywhere in the investigating papers. He further submits that the Petition can be allowed preserving the liberty of the investigating agency to invoke the provisions under the Customs Act. This submission is recorded and accepted.

5. In view of these submissions, the following order is passed:

ORDER

- (i) The Detenue shall be released forthwith in connection with the present subject matter.
 - (ii) The investigating agency is at liberty to take action in accordance with law for commission of offence under any other Act.
 - (iii) The investigating agency shall inform the Jail authorities regarding this order.
 - (iv) Parties to act on the copy uploaded on the official Website of this Court.
6. Petition is disposed of.

(RANJITSINHA RAJA BHONSALE, J.) (SARANG V. KOTWAL, J.)