



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

935 BAIL APPLICATION NO. 574 OF 2026

Rizwan Khan Rashid Khan

VERSUS

The State Of Maharashtra

WITH

BAIL APPLICATION NO. 184 OF 2026

Sayyed Arbaj Sayyed Feroj Alias Arbaj Khan

VERSUS

The State Of Maharashtra

WITH

BAIL APPLICATION NO. 2540 OF 2025

Sameer Yunus Shaikh

VERSUS

The State Of Maharashtra

WITH

BAIL APPLICATION NO. 233 OF 2026

Sohel Karim Sayyed Alias Sonu Manse

VERSUS

The State Of Maharashtra

WITH

BAIL APPLICATION NO. 467 OF 2026

1. Avinash Ramkrushna Patil

2. Rupesh S/o. Ramkrushna Patil

VERSUS

The State Of Maharashtra

WITH

BAIL APPLICATION NO. 183 OF 2026

Sohel Salim Hilabi

VERSUS

The State Of Maharashtra

**WITH
BAIL APPLICATION NO. 187 OF 2026**

Javed Khan Rauf Khan
VERSUS
The State Of Maharashtra

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Mr. C.C. Deshpande, Advocate h/f Mr. Suyog S. Rathi, Advocate for Applicant in BA/2540/2025
Mr. R.R.Kakani, Advocate for Applicant in BA/574/2026
Mr. V.S. Wakale, Advocate for Applicants in BA/184/2026, BA/183/2026 and BA/187/2026
Mr. S.M. Nannaware, Advocate for Applicant in BA/233/2026
Mr. R.M. Bhosle, Advocate for Applicants in BA/467/2026
Mr. K.K. Naik, AGP for Respondent-State in all BAs

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CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 17 JUNE, 2026

PER COURT :

1. Learned the learned counsel for the respective applicants and the learned APP for respondent-State in all the applications.
2. After hearing the learned counsel for some time and upon this Court expressing disinclination to grant relief to applicant Rizwan Khan Rashid Khan in Bail Application No.574 of 2026, applicant Sohail S/o Karim Sayyed @ Sonu Manse in Bail Application No.233 of 2026 and applicant No.1 Avinash Ramkrushna Patil in Bail Application No.467 of 2026, the learned counsel appearing for the respective applicants seek leave to withdraw the applications.
3. Leave granted.

4. Bail Application Nos.233 of 2026 and 574 of 2026 stand dismissed as withdrawn. Bail Application No.467 of 2026 stands dismissed as withdrawn insofar as applicant No.1 – Avinash Ramkrushna Patil is concerned. I, therefore, proceed to decide Bail Application No.2540 of 2025, Bail Application Nos.184 of 2026, 183 of 2026, 187 of 2026 and Bail Application No.467 of 2026 to the extent of applicant No.2.

5. By these applications, the applicants seek their release on bail in connection with Crime No.279 of 2025 registered with Waluj Police Station, District Chhatrapati Sambhajnagar, for the offences punishable under Sections 8(c), 21, 21(b), 22(b), 22(c), 25, 27-A and 29 of the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985, Section 238 of the Bharatiya Nyaya Sanhita, 2023 and Sections 18(c) and 27(b) of the Drugs and Cosmetics Act, 1940.

6. The prosecution case, in brief, is that on 12.09.2025, the police received specific secret information that a well-organized racket was operating for illegal sale and distribution of intoxicating cough syrup containing Codeine Phosphate to young boys and girls, particularly students. It was learnt that accused Avinash Ramkrushna Patil and Rupesh Ramkrushna Patil had procured a consignment of Codeine-based cough syrup from Rayyan Medical Stores, Uttar Pradesh, and the same was to be delivered through VRL Logistics at Waluj. Acting upon the said information, the police laid a trap.

7. Prosecution case in brief is that at about 2.30 p.m., one person arrived at the premises of VRL Logistics in a Swift car, produced the delivery receipt on his mobile phone and sought delivery of the consignment. Upon taking possession of the consignment, he was apprehended. During investigation, he disclosed his name as Avinash Ramkrushna Patil. The consignment was searched in the presence of panch witnesses and was found to contain 20 boxes comprising 128 bottles of Raytuss Syrup containing Codeine Phosphate and Triprolidine Hydrochloride. The said articles came to be seized under a panchnama. During interrogation, Avinash Patil disclosed that he and his associates had procured the consignment in the name of a medical establishment and were illegally selling and distributing the same through a network of associates and peddlers for monetary gain. Investigation further revealed the involvement of several other persons including the present applicants, resulting in filing of charge-sheet against 47 accused persons.

8. Learned counsel Mr. C.C. Deshpande, holding for learned counsel Mr. Suyog Rathi for the applicant in Bail Application No.2540 of 2025, submits that there are 47 accused arraigned in the charge-sheet. Inviting my attention to the statements of the Godown Manager, the Godown In-charge of VRL Logistics and other employees recorded during investigation, appearing at page Nos.335, 338 and 342 of the charge-sheet compilation, he submits that none of the said witnesses has identified the present applicant

as the person who had received or taken delivery of the seized consignment. He further submits that the arrest of the applicant is contrary to the law laid down by the Hon'ble Supreme Court in ***Mihir Rajesh Shah Vs. State of Maharashtra*** (Criminal Appeal No.2195 of 2025). He also places reliance upon the judgment of the Hon'ble Supreme Court in ***Dr. Rajinder Rajan Vs. Union of India*** [Criminal Appeal No.____ of 2026 arising out of SLP (Crl.) No.3326 of 2026], particularly paragraphs 8, 21 and 22 thereof, and submits that the Apex Court has reiterated that where the grounds of arrest are merely stated to have been orally communicated, it is incumbent upon the arresting officer to furnish written grounds of arrest to the accused before production before the Magistrate. According to him, the said mandate has not been followed in the present case and, therefore, the arrest itself stands vitiated. He further submits that investigation is complete, charge-sheet has been filed and there is no material demonstrating the applicant's involvement in the alleged offence. He therefore prays for grant of bail.

9. Learned counsel Mr. V.S. Wakale appearing for the applicants in Bail Application Nos.184 of 2026, 183 of 2026 and 187 of 2026 submits that there is no Call Detail Record connecting the applicants with the seizure of the contraband. He further submits that there is no WhatsApp communication, electronic evidence or scientific material demonstrating their involvement in the alleged offence. According to him, no recovery has

been effected from the applicants and no material showing conscious possession of the contraband has been collected during investigation. He submits that no chemical analysis report was available at the time of registration of the crime and the applicants have been implicated merely on the basis of suspicion. He further submits that the investigation is complete, charge-sheet has been filed and, therefore, continued incarceration of the applicants is unwarranted. He relies upon order passed by this Court in BA/425/2026 and order passed by Principal Seat at Bombay in BA/3846/2024 and order passed by the Patna High Court in Criminal Misc. Application No.20517/2026, granting bail in similar circumstances.

10. Learned counsel Mr. M.R. Bhosale appearing for applicant No.2 in Bail Application No.467 of 2026 submits that the applicant is falsely implicated in the crime. He submits that there is no material demonstrating his direct participation in the alleged transaction. He submits that nothing remains to be recovered from the applicant and, therefore, his further detention is not necessary. He adopts the submissions advanced on behalf of the other applicants and prays for grant of bail.

11. Per contra, learned APP vehemently opposed the applications. He submits that the offence is of an extremely serious nature involving organized trafficking of narcotic substances under the guise of medicinal products. The investigation has revealed the existence of a well built syndicate operating across different States for procurement, transportation,

storage and distribution of Codeine-based cough syrup. The present applicants are not innocent, active participants in the criminal conspiracy.

12. Learned APP further submits that the investigation has revealed continuous contact amongst the accused persons and their involvement in the illegal trade through financial transactions and other incriminating material. According to him, the role of each accused cannot be viewed in isolation as the offence has been committed in furtherance of a criminal conspiracy. He submits that the contraband was being supplied to young boys and girls, including students, and the activities of the accused have serious repercussions on public health and society at large.

13. Learned APP submits that there is sufficient material collected during investigation showing the involvement of the applicants in procurement, transportation and distribution of the contraband. He submits that considering the gravity of the offence, the organized nature of the crime and the role attributed to the applicants, Section 37 of the NDPS Act would apply. He further submits that if released on bail, there is every possibility of the applicants absconding, influencing witnesses, tampering with prosecution evidence and indulging in similar activities. He therefore prays for rejection of the applications.

14. I have carefully considered the rival submissions and perused the FIR, charge-sheet and the material placed on record.

15. Learned counsel for the applicant in Bail Application No.2540 of 2025 has heavily relied upon the judgments of the Hon'ble Supreme Court in ***Mihir Rajesh Shah*** (supra) and ***Dr. Rajinder Rajan*** (supra), particularly paragraphs 8, 21 and 22 thereof, to contend that written grounds of arrest were not supplied to the applicant and consequently the arrest stands vitiated.

16. However, a perusal of paragraph 58 of the judgment in ***Mihir Rajesh Shah*** (supra) shows that the Hon'ble Supreme Court itself clarified that the procedure regarding written communication of grounds of arrest would govern arrests "henceforth". The relevant observations read thus:-

"58. We are cognizant that there existed no consistent or binding requirement mandating written communication of the grounds of arrest for all offences. Holding as above, in our view, would ensure implementation of the constitutional rights provided to an arrestee as engrafted under Article 22 of the Constitution of India in an effective manner. Such clarity on obligation would avoid uncertainty in the administration of criminal justice. The ends of fairness and legal discipline therefore demand that this procedure as affirmed above shall govern arrests henceforth."

17. In the present case, the arrest of the applicant had already taken place prior to the pronouncement of the aforesaid judgment. Prima facie, therefore, the benefit flowing from the said decision would not enure to the applicant at this stage. Consequently, the contention regarding alleged illegality of arrest cannot, by itself, constitute a ground for grant of bail in the facts of the present case.

18. On perusal of the investigation papers, it appears that applicant No.2 - Rupesh Patil in Bail Application No.467 of 2026 had allegedly arranged

procurement of the contraband and had financial transactions with co-accused connected with the seized consignment. Applicant Sameer Yunus Shaikh in Bail Application No.2540 of 2025 was found to have reached the spot for receiving the contraband and had financial dealings with co-accused Rizwan Khan. Applicant Sohail Salim Hilabi in Bail Application No.183 of 2026 was found to have monetary transactions with co-accused Rizwan Khan. Applicant Javed Khan Rauf Khan in Bail Application No.187 of 2026 was found to be in regular contact with co-accused Rupesh Patil and Guddu Khan. Applicant Sayyed Arbaj Sayyed Feroj @ Arbaj Khan in Bail Application No.184 of 2026 was found connected with several co-accused persons. The investigation thus discloses a chain of interconnected activities linking the applicants with the alleged conspiracy.

19. The offence alleged is not an isolated act committed by an individual. *Prima facie*, the material collected during investigation reveals the existence of an organised syndicate engaged in diversion, procurement and illegal distribution of Codeine-based cough syrup. The role attributed to the applicants cannot be viewed independently but is required to be examined in the backdrop of the larger conspiracy unearthed during investigation. The material on record indicates active coordination amongst the accused persons in carrying out the illegal trade.

20. The investigation further indicates that the contraband was being supplied to young boys and girls, including school and college-going

students, for intoxicating purposes. Such activities have serious adverse consequences on public health and are capable of destroying the future of the younger generation. Narcotic offences of this nature are offences not merely against an individual but against society as a whole. The societal impact of such activities is a relevant consideration while deciding an application for bail under the NDPS Act.

21. At this stage, there is sufficient material collected during investigation showing *prima facie* involvement of the applicants in the alleged offence. Having regard to the nature and gravity of the accusations, the role attributed to the applicants, the material indicating conspiracy and financial transactions amongst the accused, the rigours of Section 37 of the NDPS Act and the possibility of the applicants influencing witnesses or indulging in similar activities if released on bail, this Court is not satisfied that there are reasonable grounds for believing that the applicants are not guilty of the offences alleged against them. Consequently, I am not inclined to exercise the discretion in favour of the applicants.

22. Accordingly, Bail Application No.2540 of 2025, Bail Application No.184 of 2026, Bail Application No.183 of 2026, Bail Application No.187 of 2026 and Bail Application No.467 of 2026, insofar as applicant No.2 is concerned, stand rejected.

[SIDDHESHWAR S. THOMBRE]
JUDGE