



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 564 OF 2025

Nishit Kumar Ashok Kumar Saxena

Age : 44 years, Occupation : Business,
R/o: 56, Aliza Bagh, Shinde ki Chawani,
Gird, Gwalior [M.P.]-474001.

... Applicant

Versus

The State of Maharashtra,
Through Police Inspector,
Begumpura Police Station, Begumpura,
Taluka and District Aurangabad.

... Respondent

.....
Mr. Joydeep Chatterji, Advocate for the Applicant.
Mr. N. D. Batule, APP for Respondent-State.

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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 03.04.2025

Pronounced on : 07.04.2025

ORDER :

1. Applicant seeks his enlargement on regular bail on account of his arrest in crime no. 0261 of 2024 registered at Begumpura Police Station, District Aurangabad for offences punishable under Sections 22(b), 8(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 [NDPS Act] and under Sections 18(c) and 27 (b) of Drugs and Cosmetics Act, 1940.

2. Learned counsel submitted that, applicant is arrested in above crime on 23.10.2024. That, he is falsely implicated on being named by a lady who was arrested on secret information and raid for being in possession of boxes of adulterated syrup namely Reksodine. That, when raid was conducted, applicant was not present. He is named afterwords. That, nothing was found in his possession during arrest. Whatever was seized, was from the said lady. That, now investigation is over and even charge sheet has been filed in December 2024. According to learned counsel, when no further recovery or discovery is to be made, applicant's further detention is unwarranted and moreover, when he is ready to abide and follow all conditions, learned counsel urges for grant of bail. He pointed out that other accused in similar offence are already granted bail by this Court.

3. Learned APP opposed on the ground that on secret information, police of Crime Branch conducted raid to the house of one lady, namely, Reshma. She was found to be in possession of adulterated cough syrup manufactured without licence. Huge stock was found with the said lady. She has named applicant. That, investigation revealed involvement of present applicant also. Learned APP pointed out that applicant is from other State and therefore he apprehends misuse of liberty.

4. Heard. Perused the papers. FIR dated 19.10.2024 is at the instance of one Vijay Tribhuvan, a Police official posted in Crime Branch. He claims that, acting on secret information and on authorization of superiors, raid was conducted to the premises of one Reshma Anjum Sayyad Ejaz at Kileark area, and she was found to be in possession of syrup worth Rs.12,920/-. Said syrup was said to be manufactured by Suyog Pharma, Nashik. Crime seems to have been registered against Reshma, one Yusuf and Suyog Pharma for commission of above offence.

5. Applicant is said to be behind bars since 23.10.2024. Now investigation is over and charge sheet is already filed. This Court has granted bail to co-accused Reshma and Yusuf, who were apprehended, by order dated 07.03.2025. Said lady Reshma allegedly named present applicant. What is to be further recovered or discovered is not made known to the Court. It is also not known whether matter is committed or not, and when charge would be framed. Considering the uncertainty of trial and when no purpose is shown to be achieved by further detention, relief as prayed deserves to be granted. Hence, I proceed to pass the following order:

ORDER

I. The application is allowed.

II. Applicant be released on bail in connection with Crime No. 0261 of 2024 registered at Begumpura Police Station, District Aurangabad, on executing Personal Bond of Rs. 15,000/- with one surety in the like amount, on the following conditions:

[a] The applicant shall not tamper prosecution evidence.

[b] Till conclusion of trial, the applicant shall not leave the area of jurisdiction of the concerned police station without prior permission of the trial court.

[ABHAY S. WAGHWASE, J.]

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