



**IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD**

11 BAIL APPLICATION NO. 1205 OF 2025

1. Feroz Nasiroddin Shaikh,
 2. Ganesh Bhausaheb Khopade
- VERSUS
The State Of Maharashtra

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Advocate for Applicant : Mr. Ghanekar Nilesh S.
APP for Respondents-State: Mr. V. M. Jaware
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CORAM : ARUN R. PEDNEKER, J.

Dated : July 21, 2025.

PER COURT :-

1. Heard learned counsel for the applicants and the learned APP for the respondent-State.
2. The applicants are seeking bail as they are arrested in connection with FIR No.0082/2025, dated 17/05/2025, registered with Beed City Police Station, District Beed, for the offences punishable under sections 8(c), 22(b) of The Narcotic Drugs, Psychotropic Substances, Act 1985, and under Section 123, 278 read with 3(5) of Bharatiya Nyaya Sanhita, 2023, and under Section 18(A), 18(C), 27(B)(2) of Drugs and Cosmetics Act, 1940.
3. It is the case of the prosecution that certain contraband narcotic substances, which are in the nature of medicinal preparations, were seized from Accused Nos. 1 to 4. These substances include NDPS-regulated drugs such as *Ethixelite Codrite*, cough syrup, and Alprazolam tablets. The quantity recovered is of a commercial nature. The bail applications of Accused Nos. 1 to 4 were earlier dismissed by this Court as withdrawn.
4. However, the present bail applications have been filed by Accused

Nos.5 and 6. It is alleged that Accused No. 5 purchased the contraband from Accused No. 6 and subsequently sold it to Accused Nos. 1 to 4.

5. The learned counsel for the applicants submits that, as far as Accused No. 5 is concerned, there is no direct material connecting him to the sale of contraband to Accused Nos. 1 to 4, except for the statement of a co-accused. He further submits that there is no independent evidence to show that Accused No. 5 purchased the contraband from Accused No. 6.

6. Per contra, the learned APP submits that there is evidence indicating that Accused No. 5 purchased the contraband from Accused No. 6. The transaction allegedly took place in the pharmacy owned by Accused No. 6, and a witness, who had gone there to purchase regular medicines, is said to have seen this exchange. Additionally, it is submitted that there was a monetary transaction between Accused Nos. 5 and 6. Therefore, the learned APP contends that there is sufficient material connecting the applicants to the contraband.

7. Upon considering the rival submissions, it appears that the available evidence pertains to transactions between Accused Nos. 5 and 6. However, aside from the statement of a co-accused, there is no material directly connecting the applicants to Accused Nos. 1 to 4, from whom the contraband was seized.

8. The applicants are in custody since 22/05/2025. Other than the

witness statement asserting that he saw Accused No. 5 purchasing cough syrup bottles from Accused No. 6, there is no further incriminating material. Notably, the witness claims to have seen bottles labeled *Ethixelite Codrite*, cough syrup and found this suspicious, which he recalled later. However, the statement of a single witness, without corroboration, may not be sufficient to connect the applicants to contraband recovered from accused No.1 to 4.

9. Considering that there is no substantive evidence linking the present applicants with the contraband seized from Accused Nos. 1 to 4, and taking into account the fact that the applicants are in custody since 22/05/2025, they may be considered for the grant of bail.

10. In view of the above, the application is allowed in the following terms: -

a] The applicants shall be released on bail in connection with FIR No.0082/2025, dated 17/05/2025, registered with Beed City Police Station, District Beed, for the offences punishable under sections 8(c), 22(b) of The Narcotic Drugs, Psychotropic Substances, Act 1985, and under Section 123, 278 read with 3(5) of Bharatiya Nyaya Sanhita, 2023, and under Section 18(A), 18(C), 27(B)(2) of Drugs and Cosmetics Act, 1940, on furnishing PR bond of Rs.25,000/- each with one or two sureties in the like amount to the satisfaction of the trial Court.

b] The applicants, upon being released on bail, shall not contact

the informant, in any manner whatsoever, during the pendency of the trial.

c] The applicants shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the trial Court.

d] The applicants shall not tamper with the evidence of the prosecution and they shall not influence the informant, witnesses and other persons concerned with the case.

e] The applicants, upon being released on bail, shall place on record of the trial Court the details of their Contact Number and residential address with updates in case of any change.

11. Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled. It is also clarified that the observations made in this order are limited to the disposal of the present bail application. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

12. The application stands disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.