



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

967 ANTICIPATORY BAIL APPLICATION NO. 1321 OF 2025

Sayyad Rizwan Amir

..Applicant

Versus

The State of Maharashtra

..Respondent

...

Advocate for Applicant : Mr. Chetan Barku Chaudhari

APP for Respondent : Mr.S.B.Narwade

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 19 AUGUST, 2025

PRONOUNCED ON : 21 AUGUST, 2025

ORDER :

1. Apprehending arrest in Crime no.0018 of 2025 registered at Chalisgaon Road Police Station, District Dhule, for the offence punishable under Section 238 of the Bharatiya Nyaya Sanhita and under Sections 8 and 22(C) of the Narcotic Drugs and Psychotropic Substances Act (NDPS Act), present application has pressed into service.

2. Learned Counsel for the applicant submitted that above crime is registered on alleged receipt of secret information and raid conducted by Police. It is pointed out that allegations are that

accused Akbar Ali Kaisar was in possession of 480 bottles of cough syrup which are said to be banned. That, arrested person named present applicant and as such statement of arrested accused has no evidentiary value. That, applicant has no concern with said episode. That, there is nothing to show that applicant sells or distributes cough syrup, which is banned. That, only on the statement of arrested person, applicant is tried to be involved. That, applicant is ready to co-operate with investigating machinery. That, whatever was to be recovered is already seized, therefore, there is no need of custody of the applicant. Learned counsel for the applicant seeks reliance on the judgment of the Hon'ble Apex Court in the case of *P. Krishna Mohan Reddy v. State of Andhra Pradesh, 2025 DGLS (SC) 766*.

3. Learned APP has strongly opposed application by pointing out that acting on secret information that there is illegal sale of banned cough syrup i.e. without authorization, licence or permission, Police conducted raid at the given address and one person, who gave his name as Akbar Ali Kaisar Ali Shah, was found to be in possession of a sack full of bottles worth Rs.88,520/-. That, he had no papers, permission or licence and thus, was apprehended. That, after arrest

and further enquiry, learned APP submitted that, said accused Akbar Ali Kaisar Ali Shah named present applicant to be the main supplier and he is based in Surat. That, the contraband falls under the NDPS Act and therefore, for proper investigation, bail application is sought to be rejected. Learned APP seeks reliance on the judgment of Hon'ble Apex Court in the case of *Muraleedharan v. State of Kerala, (2001) 4 SCC 638*.

4. Heard. Perused the papers and FIR dated 29-01-2025. Its substance is that, Police of Chalisgaon Road Police Station received secret information about illegal possession and sale of psychotropic medicine namely Codeine Phosphate and Triprolidine Hydrochloride Cough Linctus. After obtaining permission from superiors, raiding team was constituted and accordingly, raid was conducted at a premises and raiding party came across said Akbar Ali to be in possession of a sack full of bottles worth Rs.88,520/- and accordingly same was seized for analysis. Therefore, he was arrested and during enquiry with him, he seems to have named present applicant.

5. Learned APP pointed out that applicant is resident of Surat, Gujarat and he is the main supplier and therefore, for proper and

thorough investigation, his custody is necessary.

6. Perused the citation, which is relied of which there is no dispute that confessional statement by accused has no evidentiary value, but that is part that dealt in trial. Admittedly, banned medicine falling under the NDPS Act, full of sack, is recovered from arrested person and he has named present applicant to be the main supplier. Therefore, with such allegations, this Court is not inclined to grant relief as prayed. Accordingly, following order is passed :

ORDER

Application is rejected.

(ABHAY S. WAGHWASE)
JUDGE