



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 637 OF 2025

Shaikh Abrar @ Mari Shaikh Nisar,
Age : 25 years, Occupation : Labour,
R/o H. No. 3-5-638, Nijam Ganj Colony,
Aurangabad.

... Applicant

Versus

The State of Maharashtra
Through – Jinsi Police Station, Aurangabad
in Crime No. 54/2025 dated 16.02.2025.

... Respondent

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Mr. A. S. Tilve, Advocate for the Applicant.
Mrs. Vaishali S. Chaudhari , APP for Respondent-State.

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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 30.04.2025

Pronounced on : 02.05.2025

ORDER :

1. Applicant seeks grant of regular bail on account of his arrest in crime no. 54 of 2025 registered at Jinsi Police Station, District Chhatrapati Sambhajinagar for offences punishable under Sections 352, 351(3), 3(5), 132, 126(2), 123, 121(1) and 109 of the Bharatiya Nyaya Sanhita (BNS), Sections 8(c), 29, 27, 25, 22(a), 20(b)(i), of Narcotic Drugs and Psychotropic Substances Act, 1985 [NDPS Act] and Sections 27, 18(c) of Drugs and Cosmetics Act, 1940.

2. Learned counsel submitted that applicant is arrested in above crime on 20.02.2025. His arrest is on alleged information given by one Sk. Md. Kaif Sk. Isaq. Police party claims to have raided residential house of applicant and in his absence, search was conducted and it is alleged that, in the room allegedly possessed by applicant, in a plastic bag, strips of Nitrazepam tablets and Alprazolam tablets were found. That, in fact, room from where seizure was made is shown by some lady members of the premises. Allegations of obstructing police are directed against such lady members. He further pointed out that, only allegation is that, without license, above tablets were possessed. Seizure is already effected. No further recovery or discovery is to be made. Investigation is almost over and mere formality of filing charge sheet has remained. Learned counsel has pointed out that this Court in Bail Application No. 1718 of 2021, on similar allegations, on 13.01.2022, had granted bail to the applicants therein.

3. Learned APP opposed on the ground that on secret information, one person namely Sk. Md. Kaif was inquired with and he was found in possession of Nitrosun tablets and on further inquiry, he named present applicant to have supplied the said tablets. Therefore, raid

was planned and executed. That, seeing police party, present applicant fled after instigating lady members of the house to prevent police from catching him and he managed to escape. It is further pointed out that in search of room of applicant, above strips of above drugs/medicine were seized. According to learned APP, applicant had no license to possess scheduled drug. Therefore, as according to her, investigation is still incomplete, applicant may not be released on bail.

4. Heard. Perused the papers. FIR dated 16.02.2025 is at the instance of lady police officer and she has reported that on secret information, person named Sk. Md. Kaif Sk. Md. Isaq was inquired for being in possession of Nitrosun tablets and he named present applicant for supplying the same to him, and so raid was conducted to the premises of present applicant. In the report, details of events after police party raided the premises are narrated. It is reported that, due to obstruction and commotion by lady members of the premises, present applicant managed to flee. However, in house search, i.e. from a room pointed by one of the ladies, strips of above scheduled drugs worth Rs.1,488/- were found. Thus, seizure is already effected. Both above tablets are primarily meant for treating insomnia, anxiety and are not available without medical prescription or license. Now, so called seizure is already effected. Further investigation can be carried

out by securing presence of applicant. 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. 54 of 2025 registered at Jinsi Police Station, District Chhatrapati Sambhajanagar, 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] The applicant shall attend the concerned police station twice in every week i.e. on every Thursday and Monday and maintain personal diary of his attendance till filing of charge sheet and thereafter, shall regularly attend each and every effective date before the trial court.

[ABHAY S. WAGHWASE, J.]

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