

Ajit Pathrikar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 427 OF 2025**

Faisal Sikandar Sayyed ...Applicant
Versus
The State Of Maharashtra ...Respondent

Ms. Puja Yadav *a/w Shreerat Kamath, for the Applicant.*
Ms. Anuja S. Gotad, *APP for the State-Respondent.*
PSI – Mahesh Anjanwad, *Shivajinagar Police Station, Mumbai*
is present.

CORAM DR. NEELA GOKHALE, J.
DATED: 24th DECEMBER 2025

PC:-

1. The Applicant seeks his release on bail in connection with C.R. No. 346 of 2023 dated 8th April 2023 registered with the Shivaji Nagar Police Station, Mumbai for the offences punishable under Sections 8(c), 22(a) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, “NDPS Act”).

2. It is alleged by the prosecution that on 8th April 2023, based on the information received from the secret sources

regarding illegal storage of Codeine Phosphate and Chlorpheniramine Maleate syrup (cough syrup) at a premises in Shivaji Nagar, the Police conducted a raid. During the search, a total of 1,050 bottles of contraband syrup containing Codeine were seized from the premises. The present Applicant was implicated based on his own statement recorded during investigation, including that of the co-accused and one witness, who is the godown supervisor. Accordingly, the FIR was registered and the Applicant was arrested on 15th April 2023.

3. The Applicant made an application seeking bail before the Special Court, NDPS at Greater Bombay. However, by order dated 13th December 2024, the said application was rejected. Hence, the Applicant is before this Court seeking the relief as prayed.

4. At the very outset, Ms. Puja Yadav, learned Counsel for the Applicant, has pointed out an order dated 25th January 2024 passed by the Special Court, NDPS at Greater Bombay in

the bail application moved by co-accused, Mohd. Raza Siraj Miya Sayyed @ Lalu. She submits that the role attributed to Mohd. Raza Siraj Miya Sayyed @ Lalu is identical to the role attributed to the present Applicant. She further submits that the co-accused Nos. 2 and 4 are also released on bail. The Applicant is the only person, who is still suffering incarceration. She thus, submits that by applying the principle of parity, the present Applicant be released on bail.

5. Ms. Anuja Gotad, learned APP, has brought to my attention the statement of the godown supervisor one Brijesh Singh, from whom the contraband was recovered. She submits that the supervisor has clearly stated that the contraband packages lying in the store belong to the present Applicant. Ms. Yadav has also raised other grounds pertaining to non-compliance of Section 42 of the NDPS Act and other such grounds. In any case, Ms. Gotad resists the Bail Application.

6. I have heard learned Counsel appearing for the respective parties and perused the record with their assistance.

7. I have gone through the order dated 25th January 2024 passed by the Trial Court enlarging the co-accused, Mohd. Raza Siraj Miya Sayyed @ Lalu on bail. There is non-compliance of Section 42 of the NDPS Act, as observed by the Trial Court. There is no document to indicate that the information received by P.I. Saudagar was reduced into writing and transmitted by him to the superior officer. By the very same information, the present Applicant was also implicated. Thus, there is no material on record to indicate that the information against the present Applicant was received, reduced into writing and further transmitted to the superior officer.

8. In view of the total non-compliance with Section 42 of the NDPS Act, I am inclined to enlarge the Applicant on bail and it is ordered as under:

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.35,000/ with one or two local sureties in the like amount;
- ii) The Applicant shall attend the Trial Court concerned on each and every date as directed, till the conclusion of the trial, save and except if the Applicant is exempted from appearance by orders of the Trial Court.
- iii) If the Applicant has not deposited his passport, the Applicant shall deposit the same with the concerned Police Station, if any;
- iv) The Applicant shall not leave India, without permission of the trial Court;
- v) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

vi) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

vii) The Applicant to co-operate with the conduct of the trial;

viii) Any infraction of the aforesaid conditions shall entail cancellation of bail.

9. Application is allowed in the above terms and is accordingly disposed of.

10. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(Dr. Neela Gokhale, J)