

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1260 OF 2025**

Mohddin Peer Mohd. Shaikh	...Applicant
<i>Versus</i>	
State of Maharashtra	...Respondent

Mr. Arun Rajput a/w Vishnu Wani i/by Viral Mukte, *for the Applicant.*

Ms. Megha S. Bajoria, *APP for the Respondent - State.*
PSI – Prakash Ghadge, Dharavi Police Station, present.

CORAM DR. NEELA GOKHALE, J.
DATED: 07TH NOVEMBER 2025

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.774 of 2023 dated 5th December, 2023 registered with the Dharavi Police Station, for the offences punishable under Sections 8(c), 21, 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS').

2. The facts of the present case, in brief, are that the information was received by police in respect of the Applicant and the co-accused being in possession of Corex Syrup containing Codeine Phosphate. The police after complying with the necessary provisions of the NDPS Act, searched the co-accused and found 152 bottles of Codeine Phosphate Syrup from Accused No.1 and 36 bottles from the present Applicant. FIR was registered and accused were arrested. The present Applicant was arrested on 5th December, 2023.

3. The Applicant filed an Application before the Special Court for NDPS at Greater Bombay, however, by order dated 2nd September, 2024, said bail application was rejected. Hence, the Applicant has filed the present Application for the relief as prayed.

4. Mr.Rajput, learned counsel for the Applicant, has argued that the police have contravened the provisions of the NDPS Act and have not stringently followed the procedure laid down in Sections 42 as well as Section 50 of the said Act.

He also submits that the Applicant has been in custody since 5th December, 2023, and that no charges have been framed till date. He thus, submits that the Applicant be released on bail.

5. Mr.Bajoria, learned APP, representing the State, contests the bail application. She draws to my notice the search panchanama, compliance letter under Section 50 as well as certain other documents indicating compliance of the provisions of NDPS Act. She submits that the offence is serious and hence the bail application be rejected.

6. Admittedly, the Applicant is in custody since 5th December, 2023, and till date even the charges are not framed. The prosecution intends to examine as many as 13 witnesses. It is therefore clear that the trial in any case shall take considerable time to conclude. There is thus some substance in the contention of learned counsel for the Applicant. Insofar as the submissions raised by Ms.Rajput is concerned, pertaining to contraventions of provisions of NDPS

Act, undoubtedly the Trial Court will go into those questions. Admittedly, the Applicant has no antecedents.

7. Having regard to long incarceration suffered by the Applicant the rigors of Section 37 of the NDPS can be militated. In my opinion, therefore, if stringent conditions are imposed on the Applicant, the Applicant will not commit any offence while on bail. In view of the aforesaid discussions, 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.50,000/ with one or two local sureties in the like amount;
- ii) The Applicant shall attend the Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;

iii) The Applicant shall also attend the Police Station concerned once in a month between 11:00 a.m. to 02:00 p.m., till the charges are framed;

iv) If the Applicant has not deposited his passport, if any, the Applicant shall deposit the same with the Police Station concerned;

v) The Applicant shall not leave India, without the permission of the Trial Court;

vi) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

vii) The Applicant shall inform his latest place of residence and 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 Police Station concerned;

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

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

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

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

(DR. NEELA GOKHALE, J)