

Ajit Pathrikar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2011 OF 2025**

Maruf Kadar Sayyed ...Applicant
Versus
State Of Maharashtra ...Respondent

Ms. Swarali Joglekar, *for the Applicant.*

Mr. Yogesh Y. Dabke, *APP for the State-Respondent.*

**CORAM Dr. Neela Gokhale, J.
DATED: 7th October 2025**

PC:-

1. The Applicant seeks his release on bail in connection with FIR No. 111 of 2023 dated 10th March 2023 registered with Byculla Police Station for the offences punishable under Section 8(c) and 20(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS Act').

2. The brief facts in the present matter are that on 10th March 2023, at around 19:50 hours, the Applicant was found in conscious possession of 12 bottles, each containing 100 ml. of Chlorpheniramine Maleate and Codeine Phosphate Syrup

Phencyrex cough syrup. The Applicant was arrested on 10th March 2023 and he filed the bail application before the Special Court, NDPS Act, Greater Mumbai. However, by order dated 13th March 2025, his application was rejected. Hence, he is before this Court seeking the relief as prayed.

3. Ms. Swarali Joglekar, learned Counsel for the Applicant, submits that admittedly the Applicant has been arrested on 11th March 2023 and the charges are not framed. She submitted that there is only one antecedents against him which is C.R. No. 572 of 2022 registered on 22nd June 2022, but under the Drugs and Cosmetics Act, 1940. She submits that there is no material on record to indicate that the said substance was for trading and she submits that it is quite possible that it was for self consumption. She thus, prays that the Applicant be released on bail.

4. Mr. Yogesh Dabke, learned APP, submits that the 12 bottles found in the conscious possession of the Applicant, constitutes commercial quantity of the psychotropic

substance. He submits that there is an antecedent albeit under the Drugs and Cosmetics Act against the present Applicant. He submits that the prosecution intends to examine as many as 7 to 9 witnesses and thus, according to him, the trial will conclude in a short while. He thus, resists the bail application.

5. I have heard both the learned Counsel for the parties and perused the record with their assistance.

6. Admittedly, the Applicant is in custody since 11th March 2023 that for the period of about 2 years and 7 months. The substance recovered from him is a Chlorpheniramine Maleate and Codeine Phosphate Syrup Phencyrex cough syrup. The charge-sheet has been filed in April 2023 itself. However, till date, the charges are not yet framed, meaning thereby that the trial is not likely to conclude in a short while, as stated by Mr. Dabke.

7. Failure to conduct the trial within the reasonable time has resulted in prolong incarceration of the Applicant. This

militates against the fundamental right guaranteed under Article 21 of the Constitution and as such the conditional liberty overriding the statutory embargo of Section 37 of the NDPS Act is observed or may be considered. In this view of the matter, I am inclined to grant bail on the following conditions:

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 concerned police station once in a month between 11:00 a.m. to 12:00 p.m.
- iii) 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.

- iv) If the Applicant has not deposited his passport, the Applicant shall deposit the same with the concerned Police Station, if any;
- v) The Applicant shall not leave India, without 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 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;
- 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 Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(Dr. Neela Gokhale, J)