

Ajit Pathrikar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2232 OF 2025**

Rehan @ Nana Ashrfali Khan	...Applicant
Versus	
The State Of Maharashtra	...Respondent

Mr. Kamlesh M. Satre, *for the Applicant.*

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

API – Kiran and PSI – Pradip Shinde, *RCF Police Station, are present*

CORAM Dr. Neela Gokhale, J.
DATED: 19th November 2025

PC:-

1. The Applicant seeks his release on bail in connection with FIR No. 36 of 2023 dated 9th January 2023 registered with the RCF Police Station, Mumbai for the offences punishable under Sections 8(c), 22(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, “NDPS Act”).

2. As discerned from the FIR, the facts of the case are that on 9th January 2023 at about 7.45 a.m., the officials including

PI. Datir, A.PI. Mandhre, Sepoy Kuthe, Sepoy Khaire, Sepoy Sanap and Nayak Nigade were on patrolling duty when they found the Applicant and other the accused in an Ecco car. Since they exhibited suspicious conduct, the police, after following the due process of NDPS Act, apprehended and searched them. The present Applicant was found to be in possession of 100 bottles cough syrup and accused No.2 was found in possession of 275 tablets of Nitravet-10 and 585 tablets of Alpratan-1. Another accused, namely accused No. 3, was also arrested and 125 bottles of cough syrup were recovered from him. Pursuant to the registration of the FIR, the present Applicant is arrested on 9th January 2023.

3. The Applicant made an application seeking bail before the Special Court (NDPS) at Greater Bombay. However, by order dated 10th October 2024, the said application is rejected. Hence, the Applicant is before this Court seeking the relief as prayed.

4. Mr. Kamlesh Satre, learned Counsel for the Applicant, at the outset, raises a doubt regarding the presence of A.P.I. Mandhre at the time of the raid. He submits that from the panchanama, it is revealed that the raid started at 10.20 a.m. and concluded at 2.55 p.m. He, however, draws my attention to case diary at page No. 191 of the Bail Application. According to him, the time mentioned in the case diary is 11.56 a.m. He thus states that if the said time is taken to be true, A.P.I. Mandhre cannot be present in the police station as well as at the place where the Applicant and co-accused were apprehended. He further submits that the case of the police seems to be unbelievable. He thus prays that the Applicant be enlarged on bail.

5. Mr. Yogesh Dabke, learned APP, on the other hand, submits that the time recorded in the general diary entry is the time when the details are printed in the police station. He submits that there is no discrepancy in the general diary details from the panchanama. Mr. Dabke also submits that a

commercial quantity of contraband was recovered from the Applicant, the offences are serious in nature and merely for the alleged discrepancy, bail should not be granted to the Applicant. He also submits that the CA report is received from the FSL and the same is positive for codeine substance in the cough syrup. He also submits that the charges are framed and the prosecution intends to examine only 8 to 19 witnesses.

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

7. Considering that the contraband recovered from the present Applicant of 100 bottles of cough syrup containing codeine and the said quantity being commercial, this Court *prima facie* is of the opinion that the present Applicant is involved in trafficking of drugs. The minor discrepancy raised by Mr. Satre is not significant so as to dispense with the mandatory requirement of Section 37 of the NDPS Act, which is clearly made out from the present Applicant.

8. Moreover, the Applicant is charged with the offences punishable with 10 to 20 years of rigorous imprisonment. It cannot be said that the Applicant is incarcerated for an unreasonably long time. In view of the further statement of the Mr. Dabke that charges are framed and the prosecution intends to examine only 8 to 10 witnesses, I am not inclined to grant bail to the Applicant.

9. The present Bail Application is accordingly rejected.

(Dr. Neela Gokhale, J)