

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.3660 OF 2025**

Faizan Iqbal Shaikh
Versus
State of Maharashtra

...Applicant

...Respondent

Mr. Rushabh Vidyarthi i/by Mehboob Shaikh, *for the Applicant.*
Ms. Poonam P. Bhosale, *APP for the Respondent - State.*
API – Shailendra Jagdale, Nehrunagar Police Station, Mumbai,
present.

CORAM DR. NEELA GOKHALE, J.
DATED: 24TH NOVEMBER 2025

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.531 of 2024 dated 9th July, 2023, registered with the Nehrunagar Police Station, for the offences punishable under Sections 8(c), 22(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS'), Section 142 of the Maharashtra Police Act, 1951 and Section 112 of the Bhartiya Nyaya Sanhita, 2023.

2. The facts of the case, in brief, are that while on patrolling duty, police personnel noticed one male and one female lurking in a suspicious circumstance. The police tried to intercept them but they tried to run away. They were caught and brought back. Upon conducting a personal search, Accused No.1 was found in possession of 12 bottles of codeine phosphate syrup, and Accused No.2 was found in possession of 11 bottles. The contraband was sealed and seized in the presence of panchas. Consequently, the FIR was registered and accused were arrested. Applicant is arraigned as Accused No.2 in the present case.

3. The Applicant made an application seeking bail before the Special Judge, (N.D.P.S.) City Civil & Sessions Court, Gr. Bombay, however, by order dated 28th May 2025, the said Application was rejected. Hence, the Applicant has filed present Bail Application for the reliefs as prayed.

4. Mr. Vidyarthi, learned counsel for the Applicant, submits that the quantity of codeine phosphate syrup found

from the Applicant was not commercial quantity, and therefore the rigors of Section 37 of the NDPS Act does not apply. He further submits that the Applicant has not committed any offence, much less an offence under the NDPS Act. He submits that the charges are not framed as yet and the co-accused continues to remain in custody. He further submits that the Applicant has not criminal antecedents, and therefore, prays that the Applicant be released on bail.

5. Ms. Bhosale, learned APP representing the State, submits that the offence is serious, and that 11 bottles of codeine phosphate syrup alongwith Rs.5,000/- in cash were recovered from the Applicant. He had no explanation or justification for carrying the cash as well as the codeine phosphate syrup bottles. She further points out that the Applicant had already disposed of and sold some of the bottles earlier and had retained only 11 bottles at the time of his apprehension. She therefore, prays that the Application be rejected.

6. I have heard learned counsels for the respective parties and perused the record of the case with their assistance.

7. Admittedly, the Applicant was arrested in July 2023. He has suffered more than 2 years in custody and even the charges are not framed as on date. No doubt that the Applicant was found to be in possession of 11 bottles of cough syrup, however the content of codeine in the bottle is yet to be established since the CA report is not on record. The Applicant is only 19 years of age. The Applicant does not have criminal antecedents, and it is unlikely that he will commit a similar offence if he is released on bail. In these circumstances, considering the unjustified delay in the trial and also the fact that the content of psychotropic substances is not yet established, I am inclined to enlarge the Applicant on bail. It is accordingly 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.;
- 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)