

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.4592 OF 2025**

Mohd. Munis Shafir Shaikh	...Applicant
<i>Versus</i>	
State of Maharashtra	...Respondent

Ms. Ashwinii Achari a/w Mr. Taraq Sayed and Mr. Anish
Pereira, *for the Applicant.*

Ms. Megha S. Bajoria, *APP for the Respondent - State.*

Mr. Shabbir Nijam Faras, Crime Branch, Unit – 1, Thane city,
present.

**CORAM DR. NEELA GOKHALE, J.
DATED: 10TH DECEMBER 2025**

PC: -

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R. No. 21 of 2025 dated 7th January, 2025, registered with the Kalwa Police Station, for the offences punishable under Sections 22(c), 8(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS') and Sections 18-A, 18H read with Sections 27(c) and 28(c) of the Drugs and Cosmetic Act, 1940.

2. The facts of the case, in brief, are that on 6th January, 2025, on a specific intelligence received by the Crime Branch, Unit – 1, Thane that some person is dealing in purchase and sale of cough syrup bottles containing Codeine. Accordingly, a trap was set and the person who is the Applicant herein was found in possession of 240 bottles of Codeine Phosphate and Triprolidine HCl Syrup. After following the due process of under the NDPS Act, said bottles were seized and panchanama was recorded. Consequently, the FIR was registered and the Applicant was arrested on the same day.

3. The Applicant has made an application seeking bail before the Special Judge (NDPS), Thane, however, by order dated 9th September, 2025, the said Application was rejected. Hence, the Applicant has filed the present Application for the reliefs as prayed.

4. Ms. Achari, learned counsel for the Applicant, has raised a vital objection to the rejection of bail application. She

has brought to my attention the description of the bottles seized from the Applicant and recorded in the Trap Panchanama dated 6th January, 2025, wherein Batch Number of the bottles as indicated on the label of the bottles is AN-1634. She then draws my attention to the Inventory Panchanama which is totally different. The Inventory Panchanama records Batch Number as AN-1608. According to her, there is possibility that the bottles which were recovered from the Applicant were replaced with other bottles. She thus, submits that there is every reason to believe that the Applicant has not committed the said offence and that bottles recovered from him were only cough syrups.

5. Ms. Bajoria, learned APP representing the State, made strenuous efforts to demolish the case of Ms. Achari. She submits that probably there is typographical error and there is a no room for doubting that the Applicant has not committed said offence. She also points to the other details typed in the Trap Panchanama which are identical to the

details typed in the Inventory Panchanama. She submits that at best this is a typographical error. She submits that the offence is serious and the Applicant was found in possession of as many as 240 bottles of Codeine Phosphate Syrup and prays that the Bail Application be rejected. However, she fairly concedes that there are no criminal antecedents against the present Applicant.

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

7. Admittedly, the details appearing in the Trap Panchanama regarding the details of the bottles seized and the details as it appear in the Inventory Panchanama are distinct. The Batch number shown in the Trap Panchanama is AN-1634 whereas the Batch number shown in the Inventory Panchanama is AN-1608. It does not appear to be a typographical error since there is large difference between AN-1634 and AN-1608. There is possibility that the bottles

seized from the Applicant were different from those produced before the Magistrate at the time of recording Inventory Panchanama. There is a reason to believe that the Applicant has not committed the present offence. There are no antecedents against the Applicant. There is also reason to believe that he may not commit the said offence again. In these circumstances, 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)