

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.4650 OF 2025**

Farhan S-O Mehboob Aalam Khan

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Keshav Lalchand Damani, *i/b Sandhya Gaikwad, for the Applicant.*

Ms. Poonam P. Bhosale, *APP for the Respondent-State.*

Mr. Mahesh Anjanwad, *PSI attached to Shivajinagar Police Station, Mumbai, present.*

CORAM DR. NEELA GOKHALE, J.

DATED: 15TH DECEMBER 2025

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with FIR No. 927 of 2024 dated 31st December 2024 registered with the Shivaji Nagar Police Station, Brihanmumbai City for the offences punishable under Sections 8(c) and 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. From the FIR, it can be discerned that on 30th December 2024 at around 9.00 p.m., while the police officials were on patrolling duty, they came across one person standing behind a stationary auto-rickshaw, lurking in suspicious circumstances. After following the due process of law, the said person was apprehended and searched. No contraband was recovered from his person. However, from the said auto-rickshaw, 16 bottles of Codeine Phosphate & Triprolidine Hydrochloride Syrup, namely, 'New Welcyrex Cough Syrup', were recovered. The FIR was registered and the Applicant was arrested in the morning of 31st December 2024. According to the prosecution, the said person, who is the Applicant herein, is the owner of the said auto-rickshaw and hence, he was arrested.

3. The Applicant filed an application seeking bail before the Special Judge (NDPS), City Civil & Sessions Court, Greater Bombay. However, by order dated 27th November 2025, his

bail application was rejected. Hence, the Applicant is before this Court for the reliefs as prayed.

4. Mr. Keshav Damani, learned counsel appearing for the Applicant, submitted that the Applicant is not connected with the said auto-rickshaw and the prosecution has not been able to show that the Applicant is the owner of the said auto-rickshaw. Even, the FIR and the *panchanama* indicate that the Applicant was only standing behind the said auto-rickshaw. Learned counsel for the Applicant also submits that nothing was recovered from the person of the Applicant. He further submits that it is the co-accused, who was arrested during the investigation of the present FIR and gave the statement that the Applicant is involved in dealing with the contraband. Hence, the police had targeted the Applicant for investigation. He submits that the Applicant is in jail from 31st December 2024 and till date, the trial is not concluded. He thus, submits that the Applicant be enlarged on bail.

5. *Per contra*, Ms. Poonam Bhosale, learned APP representing the State in the matter, submits that the co-accused had revealed regarding the Applicant's involvement in illegal trafficking in the sale of Codeine Phosphate Cough Syrup for illicit consumption and intoxication. She also submits that although the ownership of the said auto-rickshaw is not yet established by the Investigating Officer, the Applicant himself has disclosed that he is the owner of the said auto-rickshaw and hence, she prays that the Bail Application be rejected.

6. Heard learned counsel appearing for the respective parties and perused the record with their assistance.

7. Admittedly, there was no recovery made from the person of the Applicant. The FIR and the *panchanama* also indicate that the Applicant was perceived to be lurking in suspicious circumstances and standing behind the said auto-rickshaw on a public road. Despite the arrest of the Applicant on 31st December 2024, there is no document procured by the

Investigating Officer to establish ownership of the said auto-rickshaw with the Applicant. It is only on the basis of the statement made by the Applicant himself that the prosecution has presumed that the said auto-rickshaw is owned by the Applicant. On such meagre material collected during the investigation, the Applicant is in custody since 31st December 2024. In these circumstances, the twin conditions prescribed under Section 37 of the NDPS Act, are satisfied. *Prima facie*, there is reason enough to believe that the Applicant has not committed the said offence and he is not likely to repeat the said offence, if released on bail.

8. 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 on the first Saturday 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.

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

10. 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)