



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**BENCH AT AURANGABAD**

**BAIL APPLICATION NO. 1911 OF 2025**

SANTOSHKUMAR KAMLAPRASAD JAISWAL  
VERSUS  
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Vijay S. Wakale  
APP for Respondents-State : Mr. P. P. Dawalkar

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**CORAM : SACHIN S. DESHMUKH, J.**

**Date : 6<sup>th</sup> January, 2026**

**ORDER :-**

1. The applicant has approached this Court seeking regular bail in connection with FIR dated 20.05.2025 bearing Crime No. 181 of 2025 registered with Jawahar Nagar Police Station, Dist. Chhatrapati Sambhajnagar for the offences punishable under Sections 18(c) and 27 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. The prosecution's case is that on 19.05.2025, between 22:30 and 23:50 hours, a raid was conducted near the Shivaji Nagar car parking area, leading to the apprehension of accused No. 1 and 2. The accused were allegedly found in possession of Nitrazepam (Nitrosun) tablets, which they held for financial gain despite knowing the substance is harmful and injurious to human

health. It is further alleged that accused No. 3 had dispatched these tablets through a parcel service to accused No. 2 for the purpose of illegal sale. Consequently, the FIR was lodged, and following the investigation, a charge-sheet has been filed against the accused for the alleged offences.

3. Learned Advocate for the Applicant submits that the Applicant has no criminal antecedents. It is contended that only 7 grams of Nitrazepam Tablets have been seized at the instance of the Applicant. The Applicant has deep roots in society and there is no likelihood of his absconding or evading the trial. Even co-accused in the offence is enlarged on bail and hence, the applicant is entitled to be enlarged on bail on the ground of parity. It is further submitted that the trial is likely to take considerable time for its conclusion. Hence, considering that the contraband seized is less than the small quantity, the Learned Advocate prays that the Applicant be released on bail.

4. Learned APP for the Respondent-State strongly opposes the application and submits that the Applicant is involved in a serious offence. It is contended that the provisions of the Drugs and Cosmetics Act are also attracted in the present case.

Learned APP further submits that the nature of the offence is grave, and the possibility of the Applicant committing a similar offence in the future cannot be ruled out. The learned APP expressed apprehension that in the event, applicant is enlarged on bail, the applicant may influence or pressurize the prosecution witnesses and may tamper with the evidence. Considering the gravity of the offence and the material collected against the Applicant, it is lastly prayed that the application be rejected.

5. Considering the submissions of both the sides and perusing the material on record, including the charge-sheet, particularly the report, seizure panchnama, and the statements of witnesses. It appears that the Applicant has no criminal antecedents. The seized tablets weigh 7 grams, which is less than the small quantity as prescribed under the law.

6. Furthermore, this Court while dealing with similar request of the co-accused in Bail Application No. 1712 of 2025, has allowed the application and enlarged the co-accused on bail. In view of the same, the applicant is also entitled for bail on the ground of parity. The apprehension of the learned APP about tampering with the prosecution evidence can be adequately taken care of by imposing stringent conditions.

7. In view of the aforesaid reasons, the request of the applicant warrants consideration. Accordingly, the following order :-

**ORDER**

- (I) Application is **allowed**.
- (II) Applicant – Santoshkumar Kamalprasad Jaiswal be released on regular bail on furnishing P.R. bond of Rs. 50,000/- (Fifty Thousand Only) with one or two local solvent sureties in the like amount, in connection with Crime No. 181 of 2025 registered with Jawahar Nagar Police Station, Dist. Chhatrapati Sambhajinagar for the offences punishable under Sections 18(c) and 27 of the Narcotic Drugs and Psychotropic Substances Act, 1985, on the following conditions :-
  - (a) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts either to the Court or to any Police Officer.
  - (b) The applicant shall not tamper with the prosecution evidence in any manner and shall cooperate the learned Trial Judge in expeditious disposal of the trial against him.
  - (c) The applicant shall not indulge in similar type of offences in future.

- (d) In case of breach of any of the conditions by the applicant, it is open for the Prosecution to move this Court seeking cancellation of bail.
  - (e) If it is noticed that the applicant is involved in any offence of a similar nature in the future, the Trial Court / Special Court shall be at liberty to take appropriate action for cancellation of bail, either suo motu or upon any application made by the prosecution, and shall decide the same on its own merits, notwithstanding the fact that the present bail has been granted by this Court.
- (III) Needless to states that the observations rendered herein are to the extent of this application and the trial court shall not be influenced by the same.

**(SACHIN S. DESHMUKH, J.)**

*Omkar Joshi*