



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

BAIL APPLICATION NO. 3 OF 2026

SHOYAEBKHAN TAJODDIN KHAN
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Rajesh K. Khandelwal
APP for Respondent : Mr. B. B. Bhise

...
WITH
BAIL APPLICATION NO. 1941 OF 2025

SOHEL KHAN YUSUF PATHAN
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Rajendra G. Hange
APP for Respondent : Mr. B. B. Bhise

...
WITH
BAIL APPLICATION NO. 1992 OF 2025

SHAIKH FARUK AREF
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Nilesh S. Ghanekar
APP for Respondent : Mr. B. B. Bhise

...
WITH
BAIL APPLICATION NO. 1994 OF 2025

INAMDAR MUHAMMAD TAREKUDDIN MUHAMMAD NURODDIN
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Nilesh S. Ghanekar
APP for Respondent : Mr. B. B. Bhise

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CORAM : SACHIN S. DESHMUKH, J.

DATE : 19-01-2026

PER COURT:-

1. The applicants seek regular bail in Crime No.0082 of 2025 dated 17.05.2025 registered with City Police Station, Beed, for the offences punishable under Sections 8(c) and 22(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985, Sections 123, 278, 3(5) of the *Bhartiya Nyaya Sanhita*, 2023 read with Section 18(A) and 18(B) of the Drugs and Cosmetic Act, 1940 (for short, "NDPS Act"). In connection with the said crime, applicants – Shoyaebkhan Tajoddin Khan, Sohail Khan Yusuf Pathan, Shaikh Faruk Aref are arrested on 17.05.2025 and Inamdar Muhammad Tarekuddin Muhammad Nuroddin is arrested on 22.05.2025.

2. The prosecution case is that on 16.05.2025, Police Inspector Mr. Ballal received confidential information indicating that prohibited drugs were being sold at Juna Bazar, Beed. Acting upon this information and instructions from superior officers, Mr. Ballal mobilized Police Constable Manoj Parjane and other personnel from the Beed City Police station. A raid was subsequently conducted at the specified location. During the raid, four individuals were apprehended in possession of a large quantity of controlled medicines, specifically identified as Ethixelite company's Cod Rite cough syrup bottles, alprazolam tablets, and Relam - 0.50 tablets. The total value of the seized substances was estimated at Rs.2,54,097/-, leading to the filing of the First information report.

3. Mr. R. K. Khandelwal, learned counsel appearing on behalf of the applicant, Shoyaebkhan, submits that The applicant was arrested merely on suspicion, as he was in possession of a small quantity of prohibited goods used for medical treatment. The applicant had no intention of selling those items. Furthermore, Mr. Khandelwal contends that the quantity of allegedly prohibited goods recovered from the applicant's possession is minimal and readily available from medical stores. As the recovered goods are in the form of medicine and purchased pursuant to prescription to that effect by the medical practitioner, it is argued that the police registered a false case against the applicant simply to implicate him in a crime. It is further emphasized that the applicant has no prior criminal antecedents.

4. Mr. R. G. Hange, learned counsel for the applicant - Sohel has adopted the submissions made by Mr. R. K. Khandelwal for the co-accused and presented additional grounds for bail. He submits that the applicant was falsely implicated, citing significant procedural non-compliance with the NDPS Act. The learned counsel highlighted the investigative lapses, such as, an unexplained delay in sending the seized articles to the Forensic Science Laboratory (FSL) after the 16.05.2025 raid. The absence of evidence confirming the seized cough syrup contained a psychotropic substance and pointed out that co-accused Firoz Shaikh and Ganesh Khopde have already been granted bail. He concluded that

since the quantity involved is less than commercial quantity, the bar under Section 37 of the NDPS Act is not applicable.

5. Mr. N. S. Ghanekar, learned counsel for the applicants, Shaikh Faruk and Inamdar Muhammad, has adopted the arguments regarding procedural irregularities under the NDPS Act raised by the the learned counsel for the co-applicants. He further submitted the applicants' names were not mentioned in the first information report; they were implicated solely based on disclosure statements from co-accused and subsequently arrested during investigation. No prohibited substance was recovered from either applicant. As such, there is no active participation or nexus demonstrated between the present applicants and the four prime accused, and no witnesses have provided statements against them. While monetary transactions occurred between the parties, they were unrelated to the alleged NDPS offence. Applicant Shaikh Faruk is a registered pharmacist who holds a valid medical shop license issued by the Food and Drugs Administration, Beed, and his shop was searched during the investigation. Since co-accused facing identical allegations have already been granted, the principle of parity applies. Hence, prayed to allow the applications.

6. The learned A.P.P. has vehemently opposed the bail applications, submitting that a strong prima facie case has been established against the applicants, indicating their active

participation in the commission of the alleged crime. The prime accused were found in possession of a large quantity of medical tablets and cough syrup (specifically Cod Rite, Alprazolam tablets, and Relam-0.50), all contain ingredients falling under the purview of the NDPS Act. The prosecution contends that the co-applicants Shaikh Faruk and Inamdar Muhammad played a crucial role by aiding the prime accused in procuring these substances and facilitating their illegal sale. Considering the nature and gravity of the offence, and the established monetary transactions between the accused, the A.P.P. expressed concern that if released on bail, the applicants are likely to repeat the crime. Therefore, it was prayed that the bail applications be rejected.

7. Having heard the submissions from the respective sides and upon perusal of the record including the chargesheet, it indicates that the applicants Sohail Khan Yusuf Pathan and Shoyaebkhan were named in the FIR, while the other accused persons Shaikh Faruk and Inamdar Muhammad have been arraigned during the investigation based on alleged financial transactions and for purportedly selling the prohibited goods to the FIR accused.

8. Pertinently, the applicants, Shaikh Faruk and Inamdar Muhammad, prohibited substances are not recovered directly from their possession and were implicated solely through co-accused

statements and alleged monetary transactions. Moreover, the other co-accused with similar allegations have already been granted bail.

9. Furthermore, the alleged recovered products involve finished pharmaceutical medicines, and the crucial determination of whether their specific ingredients constitute a psychotropic or narcotic substance under the Act is a matter that requires deeper consideration and can only be rightly established during the trial through expert evidence.

10. Moreover, the seized products are medicinal in nature such as tablets and cough syrups and their gross weight of the entire finished product cannot be accurately construed to assess the threshold of a commercial quantity under the NDPS Act. Particularly, when there is unexplained delay in sending those samples for chemical analysis, which further compounds the doubt necessary to attract the stringent bar imposed by Section 37 of the NDPS Act at this stage.

11. Considering the already prolonged incarceration of the applicants since their arrest, the number of prosecution witnesses coupled with the fact that other co-accused with similar allegations have already been granted bail by this court, further pre-trial incarceration of the present applicants would be unjustified.

12. The apprehension expressed by the learned A.P.P. that the applicants, if released on bail, may commit similar offences can be adequately addressed and taken care of by imposing stringent bail conditions.

13. Hence, the order;

ORDER

- (i) The bail applications are allowed.
- (ii) Applicants, Shoyaebkhan Tajoddin Khan, Sohel Khan Yusuf Pathan, Shaikh Faruk Aref and Inamdar Muhammad Tarekuddin Muhammad Nuroddin, be released on bail, upon furnishing P.R. bond in the sum of Rs.50,000/- (Rs.Fifty Thousand) each, with one or two local solvent sureties, in the like amount, in connection with Crime No.0082 of 2025 dated 17.05.2025 registered with City Police Station, Beed, for the offences punishable under Sections 8(c) and 22(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985, Sections 123, 278, 3(5) of the *Bhartiya Nyaya Sanhita*, 2023 read with Section 18(A) and 18(B) of the Drugs and Cosmetic Act, 1940, on the following conditions :-
 - (a) The applicants shall not pressurize the prosecution witnesses and tamper with the prosecution evidence, in any manner.
 - (b) The applicants shall attend the trial on each and every date unless exempted by the trial Court and shall not

leave the area of jurisdiction of the concerned Police Station till conclusion of the trial.

- (c) The applicants shall submit Aadhar or Pan Card to the Investigating Officer and detailed address and phone numbers of two of the near relatives.
 - (d) In case of breach of any of the conditions by the applicants, it is open for the Prosecution to move this Court seeking cancellation of bail.
- (iii) Needless to state 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]
JUDGE

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