



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

955 BAIL APPLICATION NO. 163 OF 2026

Faijan Aslam Khan PathanApplicant
VERSUS
The State of MaharashtraRespondent

Mr. Sohail Subhedar, Advocate holding for Mr. N. S. Ghanekar,
Advocate for Applicant
Mr. B. B. Bhise, APP for the State.

WITH
BAIL APPLICATION NO. 133 OF 2026

Shaikh Feroz Shaikh Sadeque Applicant
VERSUS
The State of MaharashtraRespondent

Mr. M. P. Gandle, Advocate for Applicant
Mr. B. B. Bhise, APP for the State.

CORAM : SACHIN S. DESHMUKH, J.
DATE : 24th FEBRUARY, 2026.

PER COURT :

1. Applicants seek regular bail in connection with Crime No. 82/2025 registered with Beed City Police Station, Dist. Beed for the offences punishable under Sections 123, 278, 3(5) of Bharatiya Nyaya Sanhita, 2023, Sections 8(c), 22(B) of Narcotic Drugs and Psychotropic Substances Act and Sections 18(A), 18(c), 27(kh)(2), 27(B)(2) of Drugs and Cosmetics Act.

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 Ethixlite 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. Learned Counsel for Applicants submit that the Applicants were arrested merely on suspicion, as they were in possession of a small quantity of prohibited goods used for medical treatment. the Applicants had no intention of selling those items. Further, the quantity of allegedly prohibited goods recovered from the Applicant's possession is minimal and readily available for medical stores. It is further submitted that the Investigating Authority has not complied with the provisions of Section 50 of the NDPS Act. The co-accused

having similar role are enlarged on bail by this Court. Hence, prayed to allow the applications.

4. Per contra, learned APP vehemently opposed the application submitting that a strong prima facie case has been established against the Applicants, indicating their active participation in the commission of alleged crime. It is further submitted that considering the nature and gravity of the offence, if the Applicants are enlarged on bail, they are likely to repeat the crime. Hence, prayed to reject the applications.

5. Upon considering submissions of both sides and on perusal of the record, including charge-sheet, it is evident that the Applicants were arrested on suspicion on the basis of alleged possession of prohibited substance. The record further indicates that the quantity of seized prohibited substance is small.

6. 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.

7. 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.

8. Nevertheless, investigation in the crime is complete for all purpose and intent. Resultantly, charge-sheet is filed. Applicants were arrested on 17.05.2025. Having regard to the fact that the Applicants were arrested only on the basis of suspicion and that the co-accused with similar role are enlarged on bail by this Court, I am inclined to exercise discretion in favour of the Applicants.

9. Hence, the following order :-

ORDER

- (i) Both the applications are allowed.
- (ii) Applicants Faijan Aslam Khan Pathan and Shaikh Feroz Shaikh Sadeque, be released on bail, on 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. 82/2025 registered with Beed City Police Station, Dist. Beed for the offences punishable under Sections 123, 278, 3(5) of Bharatiya Nyaya Sanhita, 2023, Sections 8(c), 22(B) of Narcotic Drugs and Psychotropic Substances Act and Sections 18(A), 18(c), 27(kh)(2), 27(B)(2) of Drugs and Cosmetics Act., 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 and Pan Cards to the Investigating Officer and detailed address and phone numbers of the Applicants and 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 concerned Court seeking cancellation of bail.

(iii) Needless to state that, nothing stated hereinabove shall be construed as an expression on merits of the case. Learned Trial court shall proceed independently and uninfluenced by the observations made hereinabove.

(SACHIN S. DESHMUKH, J.)