



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

43 BAIL APPLICATION NO. 425 OF 2026

IRFAN AYYUB GORWADE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Wakale Vijay Shivaji.
Addl. PP for Respondent/s-State : Mr. A. R. Kale.
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CORAM : SHAILESH P. BRAHME, J.
DATE : 09.04.2026

PER COURT :-

1. Heard both sides.
2. The applicant is seeking enlargement on bail in respect of offence bearing Crime No.501 of 2025, registered with CIDCO Police Station, District Chh. Sambhajinagar for the offences punishable under Sections 18(c), 27, 27(b) of Drugs and Cosmetics Act and Sections 21(c), 22(b), 22(c), 8(c), 25, 29 of NDPS Act.
3. Applicant is arrested on 28.08.2025. Charge-sheet is filed on 23.10.2025.
4. The allegations against the applicant are that the secret information was received that certain contraband was being transported, sold and circulated and raid to that effect was

conducted at Chh. Sambhajinagar. During the raid, the bottles of medicines and the tablets were also seized which is revealed to be solicited by the applicant from the manufacturer. It revealed that applicant had placed order from Nanded. The medicine containing codeine in 1258 bottles, tablets and cream of contraband substance were recovered.

5. Learned counsel for the applicant submits that First Information Report lodged at the instance of Police Officer instead of Drug Inspector. It is not in accordance of law. There is violation of Section 42(2) and (4) of NDPS Act. There is no material to show that the content of codeine was more than 2.5%. There is no material to show that the contraband manufactured was procured by him. There is delay of about 28 days in sending the samples for analysis. The applicant is not habitual.

6. Per contra, learned Addl. PP submits that the comprehensive raid was conducted in which the contraband substance containing codeine and other drug was seized. Applicant has played role in placing the order to supply the articles. He is acting in collusion with other co-accused. His conduct is objectionable for attempting to collect the goods at

Aurangabad itself. The plea raised by the applicant can be tested during the course of trial.

7. I have considered rival submissions of the parties. It reveals that First Information Report was lodged at the instance of Police Constable on the basis of secret information. During the course of raid, 1258 bottles, tablets of different contents and the creams of contraband contents were seized. The applicant is responsible for placing order of the same with the manufacturer. There is no material on record to show that applicant is either responsible for manufacturing the contraband articles. He runs business at Nanded and hold requisite licenses for the same.

8. The percentage of the codeine has not been verified by the investigating agency. Whether the content is exceeding the permissible limit has not been ascertained. Learned Addl. PP has not placed on record the report of Chemical Analysis. If the contents of codeine is less than 2.5% then provisions of the NDPS Act does not attracted. The violation of provisions of Drugs and Cosmetics Act is less severe.

9. The contraband was seized on 29.08.2025. The inventory was conducted on 10.09.2025. The samples were collected and referred to the laboratory which was received on

07.10.2025. The delay is detrimental to the prosecution.

Prima facie, I find substance in the submission of the learned counsel for the applicant.

10. The investigation is over and the charge-sheet is submitted on 23.09.2025. No criminal antecedents is recorded against him. I, therefore, pass the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **IRFAN AYYUB GORWADE** shall be released on bail in Crime No.501 of 2025, registered with CIDCO Police Station, District Chh. Sambhajinagar for the offences punishable under Sections 18(c), 27, 27(b) of Drugs and Cosmetics Act and Sections 21(c), 22(b), 22(c), 8(c), 25, 29 of NDPS Act on furnishing P. R. bond of Rs.50,000/- (Rupees fifty thousands only) with one solvent surety of like amount on the following conditions :
 - (a) The applicant shall not contact prosecution witnesses and tamper the prosecution evidence.

- (b) The applicant shall co-operate for expeditious disposal of the trial.
- (iii) Bail application is disposed of accordingly.

(SHAILESH P. BRAHME, J.)

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vmk/-