HEMANT CHANDERSEN SHIV
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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.877 OF 2026

Kadar Siraj Noorani .... Applicant
V/s.
The State of Maharashtra ...Respondent

Ms. Munira Palanpurwala with Ms.Sumaiya Khan for the Applicant.
Mr. V. A. Kulkarni, APP for the Respondent – State.
Mr. Nilesh Chavan, PSI, Mumbra police station present.

CORAM: SHYAM C. CHANDAK, J.
DATED : 19th AUGUST, 2026

P.C. :-

1. Ms.Palanpurwala, learned Counsel for the Applicant tendered a statement about the criminal antecedents of the Applicant. It is taken on record and marked "X" for identification.

2. Heard learned Counsel for the parties. Perused the record.

3. Present Application seeks release of the Applicant on bail in Special NDPS Case No.58 of 2025, pending before the Court of the learned Special Judge for NDPS Cases & Addl. Sessions Court, Gt. Mumbai. Said case arising out of C.R. No.1821/2024 registered with Mumbra police station, Thane for the offence punishable under Sections 8(c) read with 22(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ("NDPS Act") on the report lodged by Deepak Udmale, Police Constable, Mumbra.

4. The prosecution case is that, on 26.08.2024, when the police team of Mumbra police station headed by Mr.Pachorkar, PI, was patrolling near Darufalah Masjid, team member Mr.Bhosale,

PSI received a secret information that the Applicant had stocked Codeine Phosphate based cough syrup bottles in his room and he was selling it. Immediately, the police team along with panchas carried out a raid. The Applicant was present in the room. During search of the room, total 505 bottles containing CBCS were found in the possession of the Applicant. The said contraband bottles were seized recording a detailed panchnama. Accordingly, the aforesaid crime came to be registered and the Applicant was arrested. On completion of the investigation, the police filed the charge-sheet. The refusal of the bail by the trial Court led to filing of this Bail Application.

5. Ms.Palanpurwala, learned Counsel for the Applicant submitted that there is complete non-compliance with the provision of Section 42 of the NDPS Act. Secondly, the Applicant is behind bars for almost 2 years, but the case has not advanced. Therefore, she urged to grant bail.

6. In reply, Mr.Kulkarni, learned APP submitted that there is sufficient evidence against the Applicant that he had stocked the contraband bottles to sell the same. This is a case of commercial quantity. The Applicant has not shown that, prima facie, he is not guilty of the aforesaid offence. Therefore, the rigors of Section 37 of the NDPS Act are applicable in this case.

7. I have considered these submissions. It is a matter of record that the Applicant is behind bars for last two years. Ms.Palanpurwala submitted that, yet, charge is not framed nor the C.A. report is submitted before the trial Court. Therefore, the trial of this case is not likely to conclude in foreseeable future. The further incarceration of the Applicant will not serve any purpose. Ms.Palanpurwala, learned Counsel states that the Applicant has a

criminal antecedent under the provisions of Drugs and Cosmetics Act,1940 and the said offence is punishable with maximum punishment upto 1 year. Moreover, the Applicant is on bail in the said case.

8. In **Anandbhai Rajendrabhai Vaniya v. State of Gujarat**, Criminal Appeal No.859/2025 arising out of [SLP (Crl.) No.17042/2024], as alleged, the appellant was driving the car from which 995 bottles of RX Codeine Phosphate & Triprolidine Hydrochloride syrup were seized. The appellant had figured in eight cases, but, was discharged in five cases, acquitted in two cases and in the other remaining case, he was on bail. Taking into consideration the 17 months incarceration of the Applicant, the nature of allegations levelled against him and, the possibility of the trial not being concluded anytime soon, the Hon'ble Supreme C9ourt released the appellant on bail.

9. In **MD Ezaz Afzal & Anr. v. State of W.B** SLA (Crl.) 12419/2024, the petitioners were arrested on 10.12.2023 as 1920 bottles of codeine phosphate syrup were seized from them. The trial was not commenced. No witness was examined, though 14 were cited by the prosecution. Taking note of the quantity of codeine phosphate syrup allegedly involved in the case and, the period of incarceration (11 months) already undergone by the Petitioners, the Hon'ble Supreme Court released them on bail.

10. In the wake of above, the Applicant may be released on bail. Hence, following Order :-

(i) The Applicant – Kadar Siraj Noorani be released on bail in aforesaid FIR in connection with C.R. No.1821 of 2024 registered with Mumbra police station, Thane for the

offence punishable under Sections 8(c) read with 22(c) and 29 of the NDPS Act, on his executing P.R. Bond in the sum of Rs.50,000/- with one or two sureties in the like amount.

(ii) The Applicant shall mark his attendance at Mumbra police station, Thane on 1st and 16th day of each calender month between 11:00 a.m. to 2:00 p.m. till conclusion of the trial.

(iii) The Applicant shall regularly attend the proceedings before the jurisdictional Court unless exempted by the said Court, for the reasons to be recorded in writing.

(iv) The Applicant shall surrendered his passport before the trial Court before his release on bail.

(v) The Applicant shall not tamper with the prosecution evidence and shall not directly or indirectly influence upon the prosecution witnesses to prevent them from deposing against him.

(vi) On being released from jail, the Applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(vii) The Applicant shall not enter in Mumbra area for one year from the date of his release form jail till the conclusion of the trial, except for marking his attendance at Mumbra police station and attending the trial Court.

(viii) The Applicant shall not indulge in identical activities for which he has been arraigned in this case.

(ix) It is clarified that any observation made in the present order are for the purpose of deciding the present Bail Application and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.

11. Bail Application stands disposed of in aforesaid terms.

(SHYAM C. CHANDAK, J.)