

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.3076 OF 2024**

Aliasgar Saifuddin Rampurwala

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Rajendra S Bidkar, *for the Applicant.*

Ms. Anuja S. Gotad, *APP for the Respondent - State.*

API – Shweta Chavan, Central Crime Unit, Thane City,
present.

CORAM DR. NEELA GOKHALE, J.
DATED: 20TH FEBRUARY 2026

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R. No. 487 of 2023 dated 17th November, 2023 registered with the Shildaighar Police Station, for the offences punishable under Sections 8(c), 21(c), 22(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short '**NDPS**') Drugs and Cosmetics Act, 1940 and Sections 18(c) and 27 of the Drugs and Cosmetics Act, 1940.

2. The case of the prosecution, in brief, is that on 17th November 2023, the police officials received a secret information regarding illegal sale of contraband. Accordingly, a trap was arranged and they reached the spot. They stopped a Baleno car and Applicant and the co-accused were apprehended. They disclosed their names as Aliasgar Saifuddin Rampurwala and Rahat Surendra Pal. On conducting a search, 640 bottles of cough syrup were recovered. It is alleged that the bottles recovered contained codeine phosphate. Accordingly, the Applicant and the co-accused were arrested pursuant to registration of the FIR.

3. The Applicant made an application seeking bail before the Special Judge (NDPS), Thane. However, by order dated 9th July, 2024 the said application was rejected. Hence, the Applicant has filed the present Bail Application for the relief as prayed.

4. Mr. Bidkar, learned counsel for the Applicant, submits that the bottles recovered from the Applicant does not

fall within the list of contraband substances under the NDPS Act. He points to a certificate and communication issued by the manufacturer of the cough syrups, which clearly informed the police that the quantity of codeine phosphate in the cough syrups is negligible and much within the prohibited quantity as per the Act. He submits that the Applicant was arrested on 17th November 2023, and till date the charges are not framed. He submits that on the ground of long incarceration, the Applicant deserves to be enlarged on bail.

5. Ms. Gotad, learned APP representing the State, submits that the Applicant has criminal antecedents against him. She also points to the CA report which has come positive for codeine phosphate. However, the quantity of cough syrups has not been enumerated in the said report.

6. Be that as it may, the Applicant has suffered more than two years of incarceration without the charges being framed.

7. In a series of judgments, the Supreme Court has observed that long incarceration militates against the precious fundamental right guaranteed under Article 21 of the Constitution of India and as such, conditional liberty overriding the statutory embargo created under Section 37 of the NDPS Act, 1985 may, in such circumstances, be considered.

8. In these circumstances, I am inclined to enlarge the Applicant on bail. It is accordingly ordered as under:-

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.50,000/ with one or two local sureties in the like amount;
- ii) The Applicant shall attend the Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;

iii) The Applicant shall also attend the Police Station concerned once in a month between 11:00 a.m. to 02:00 p.m., till the charges are framed;

iv) If the Applicant is a holder of passport, he shall deposit the same, if not already deposited, with the Police Station concerned;

v) The Applicant shall not leave India, without the permission of the Trial Court;

vi) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

vii) The Applicant shall inform his latest place of residence and contact number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the Police Station concerned;

viii) The Applicant to co-operate with the conduct of the trial;

ix) Any infraction of the aforesaid conditions shall entail cancellation of bail.

9. Application is allowed in the above terms and is accordingly disposed of.

10. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(DR. NEELA GOKHALE, J)