

S.S.Kilaje

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 658 OF 2025**

Md. Monazir Hassan

... Applicant

Versus

The Union of India and Anr

... Respondents

Mr. Rushan Balsara i/b. Mr. Mithilesh Mishra, Advocate for the Applicant.
Mr. M.G.Patil, APP for the Respondent-State.
Ms. Yashashree Raut i/b. Mrs. Manisha Jagtap, Advocate for Respondent No.1.

CORAM : SHIVKUMAR DIGE, J.

DATE : 25th MARCH, 2026.

P.C. :

1. By this application, the Applicant is seeking regular bail in file No. NCB/MZU/CR-08/2023 for the offences punishable under Sections 8(c), 22(c), 28, 27A and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ("NDPS Act") registered with Narcotic Control Bureau, Mumbai.

2. It is prosecution's case that on the basis of secret information, NCB team visited Professional Couriers, Pune, and apprehended two co-accused persons after taking delivery of a rectangular brown-coloured carton box. In the said carton box, police found 5970 tablets of Nitrazepam Tablets IP 10mg (Nitratvet-10) weighing 3.184 kg. It is alleged

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that the said parcel was sent by present applicant as it had consignee name and address of the applicant.

3. It is contention of learned counsel for the applicant that the applicant is a licence holder under the Drugs and Cosmetics Act, 1940, having his registered premises. There is no direct evidence to suggest any involvement of the applicant in the alleged offence. Learned counsel further submitted that the applicant involved in this offence on circumstantial basis. There is no evidence on record to show that the applicant had booked the ceased consignment. The parcel could have been booked in the name of the applicant by anyone. The co-accused- Rajesh Chandgude, from whose possession police has seized the contraband, has been released on bail. The applicant is behind bars for two years and ten months, and till date, charge has not been framed. The applicant has no criminal antecedents and requested to allow the application. He relied on ***Samir Abdul Jabbar Shaikh Vs. State of Maharashtra*¹**.

4. It is contention of learned SPP that the applicant has claimed that he holds medical / pharmacy licence. However, mere possession of such licence does not authorise transportation of psychotropic substance without complying with statutory requirements. The applicant was mandatorily required to maintain and produce the relevant documents

¹ 2022 SCC OnLine Bom 5720

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including batch records, tax invoices and documents as required under Rule 67 of NDPS Rules, 1985. Learned SPP further submitted that the said consignment was in the name of applicant and he had transported the said consignment from Andhra Pradesh to Pune. If the applicant is released on bail, he may abscond, hence, requested to reject the application.

5. I have heard both learned counsel. Perused chargesheet and documents produced on record. The consignment in which contraband were found was sent from Andhra Pradesh. The material produced on record including CCTV footage, mobile phone records, courier tracking details, seized contraband and bank transactions between applicant with accused No.2 dated 21.04.2023 and 30.04.2023 shows active involvement of the applicant in the present crime. The office of Professional Couriers at Guntur, Andhra Pradesh has confirmed that the applicant had gone to their office for booking of the said parcel. The CCTV footage shows presence of the applicant at Guntur while transporting the consignment to Pune. It shows active involvement of the applicant in the present crime. The contraband seized is Nitrazepam Tablets IP 10mg (Nitravet-10) weighing 3.184 kg, falls within the category of commercial quantity. Though, it is contention of learned counsel for the applicant that applicant holds licence of chemist, but he has a licence in Uttarpradesh and such licence by itself does not permit transportation of substances without compliance of

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statutory provisions. As per Rule 67(1) of NDPS Rules, 1985, “no consignment of psychotropic substances can be transported, imported inter-state or exported inter-state, unless it is accompanied by a consignment note in Form 6. However, no such proper documentation or authorisation is produced on record to show compliance with the said provision.” The applicant is main culprit in present offence. I have gone through the case law cited by learned counsel for the applicant. The facts of present case and cited case are different.

6. In view of above, I pass following order.

ORDER

- i. The Bail Application is rejected.

(SHIVKUMAR DIGE, J.)