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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

VASANT
ANANDRAO
IDHOL

CRIMINAL BAIL APPLICATION NO.2367 OF 2025

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Date: 2026.03.10
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Arfat Murtuza Khan

...Applicant

V/s.

State of Maharashtra

...Respondent

Mr.Amol M. Thombre with Mr.Vishal S. Sarode and Mr.Aakash K. for the Applicant.

Mr.Shailesh S. Ghag, APP for the State - Respondent.

Mr.Amit Ghogare, PSI, ANC Worli Post Station is present in Court.

CORAM : R.M. JOSHI, J.
DATE : 9TH MARCH, 2026.

P.C. :-

1. The Application is for enlargement on bail of the Applicant in connection with Crime No.50 of 2024 registered with ANC Worli Police Station for the offence punishable under Section 8(c), 22 (c) and 29 of the NDPS Act.

2. It is the case of the prosecution that the Applicant and the co-accused were intercepted. From the possession of the co-

accused 60 bottles of Codeine Phosphate and Triprolidine Hydrochloride Syrup 100 ml ONEREX cough syrup were recovered, whereas 240 bottles were recovered from the present Applicant. On completion of investigation, chargesheet has been filed.

3. Learned counsel for the Applicant submits that the Applicant has no criminal history and the co-accused, who was also alleged to have been in possession of commercial quantity of contraband, has been granted bail by this Court by an order dated 11th February, 2026, passed in Bail Application No.2370 of 2025. It is his contention that in such event, on parity, the application be allowed. It is his further submission that in any case even till date the charge has not been framed against the accused and hence there is no possibility of conclusion of trial in reasonable period of time.

4. Learned APP opposed the application by contending that parity cannot be applied as from the present Applicant 240 bottles of Codeine Phosphate and Triprolidine Hydrochloride Syrup 100 ml ONEREX cough syrup were recovered, whereas

from the co-accused 60 bottles were recovered.

5. There is no dispute about the fact that the recovery from the co-accused is also of a commercial quantity. This Court after considering the said fact, has enlarged the co-accused on bail. It is further observed that charge has not been framed against the accused persons.

6. As far as the present Applicant is concerned, though is said to have in possession of 240 bottles of Codeine Phosphate and Triprolidine Hydrochloride Syrup 100 ml ONEREX cough syrup, it becomes commercial quantify, similar as the case with the co-accused. Both co-accused as well as the present Applicant has no criminal antecedents against them. Even as on today the charge has not been framed against the Applicant and the co-accused. There is no possibility of the trial being concluded within a reasonable period of time. Having regard to these facts, the Application stands allowed.

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 has not deposited his passport, if any, the Applicant shall deposit the same 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.

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

8. 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.

(R.M. JOSHI, J.)