

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.4885 OF 2025**

Ruksar Ahemad Husain Barbhiya @ Ruksar Awais Khan	... Applicant
<i>Versus</i>	
State of Maharashtra	... Respondent

Mr. Vikas Shinde, *for the Applicant.*
Ms. Poonam P. Bhosale, *APP for the Respondent - State.*
PSI – Mahesh Anjanwad, Shivajinagar Police Station, Mumbai,
present.

CORAM DR. NEELA GOKHALE, J.
DATED: 08TH JANUARY 2026

PC:-

1. By this Application, the Applicant seeks her enlargement on bail in connection with C.R. No. 600 of 2025 dated 8th August, 2025 registered with the Shivaji Nagar Police Station, for the offences punishable under Sections 8(c), 20(b), 22(b) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short '**NDPS**'). There are in all six accused persons involved in the present case.

2. The case of the prosecution, in brief, is that on 8th August, 2025, the police officials of the concerned police station set out on patrolling duty. During patrolling, they found three persons loitering suspiciously. One of them was holding a black polythene bag, another was holding a yellow plastic bag and one more person was with them. Upon interrogation, it transpired that the bags contained cough syrup having codeine phosphate in commercial quantity. After following the due procedure prescribed under the NDPS Act, all three persons were arrested. They were identified as Hanif Abdul Gafur Khan, Mohd. Ayaz Mohd. Sabuddin Khan and Nisar Ahmed Hinayat Khan.

3. During interrogation, they revealed the name of another dealer, namely Hafizullah Khan, who was subsequently arrested. Upon his interrogation, Hafizullah Khan stated that his wife was also helping him in selling cough syrup. He also stated that he was also purchasing Heroin from the present Applicant namely, Ruksar. Thus, on

the basis of his statement, the Applicant was also arrested on 14th August, 2024, pursuant to registration of the FIR.

4. The Applicant made an application seeking bail before the Mumbai Sessions Court (NDPS), 42nd Additional Sessions Judge, however, by order dated 20th December, 2025, the said Application was rejected, hence, the Applicant has filed the present Bail Application for the reliefs as prayed.

5. Mr. Shinde, learned counsel for the Applicant, submits that it is only on the statement of the co-accused i.e. Hafizullah Khan, that the Applicant has been arrested. Her house was searched. Her personal search was also conducted. However, nothing was recovered from the present Applicant. He submits that save and except the statement of the co-accused, there is no material against the present Applicant. He thus, prays that the Applicant be enlarged on bail.

6. Ms. Bhosale, learned APP representing the State, at the outset, states that there are three criminal antecedents

of NDPS Act itself against the present Applicant. However, she concedes that nothing was recovered from her premises or her person. She submits that the entire gang is dealing in drugs and although the three accused were found with codeine phosphate cough syrup, it is the co-accused, Hafizullah Khan, who revealed that it was the present Applicant who was selling Heroin for further distribution. She submits that the offence is serious and there is concerted action of selling Ganja, Codeine Phosphate and Charas. In these circumstances, she submits that the Application be rejected.

7. I have heard learned counsel for the parties and perused the record of the case with their assistance.

8. Admittedly, there is nothing recovered from the person of the present Applicant. Save and except the statement of co-accused, Hafizullah Khan, there is no material on record to indicate complicity of the present Applicant in the present case. In these circumstances, *prima facie* I am of the view that there is reason to believe that the Applicant may

not have committed the said offence. Admittedly, there are three criminal antecedents against the Applicant, but she is on bail in all the three cases. Since her complicity in the present offence is suspect, and that the Applicant is a lady aged 35 years, having three minor children, 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.35,000/ 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 her 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 her 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)