



2026:AHC:181872

A.F.R.

Reserved on : 25.08.2026

Delivered on: 01.09.2026

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 418 of 2026

Bhola Prasad

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)

: Sr. Advocate, Abhinav Mishra, Abhinav Singh, Aditya Gupta, Ajay Kumar, Ajay Kumar Pandey, Amit Kumar Srivastava, Anil Kumar Pathak, Anil Kumar Tripathi, Ankit Agarwal, Ankit Singh, Anup Kumar Pandey, Anurag Dubey, Anurag Shukla, Ashish Chitranshi, Ashish Kumar Mishra, Ashok Kumar Singh, Ashutosh Kumar Singh, Ashutosh Mishra, Ashwani Mishra, Atharva Dixit, Awadhesh Kumar Srivastava, Ayush Mishra, Balbir Singh, Bharti Dwivedi, Brijesh Kumar Pandey, Deepesh Kumar Ojha, Devendra Kumar Shukla, Dinesh Kumar Pandey, Divya Yadav, Divyanshu Pathak, Gaurav Srivastav, Hemant Kumar Srivastava, Himanshu Kushawaha, Kamal Singh, Km. Ashra, Kripa Shankar Yadav, Krishna Dwivedi, Krishna Kant Vishwakarma, Kusum Mishra, Mannu Ram, Mayank Chandra, Mohd. Samiuzzaman Khan, Mushir Khan, Naman Agarwal, Narayan Singh(kushwaha), Naseem Ahmad, Neha Rani, Nitin Sharma, Pavan Kumar, Pawan Kumar Rao, Pawan Kumar Yadav, Piyush Patel, Prabha Shanker Mishra, Pradeep Kumar, Pradeep Kumar Soni, Pranav Tiwary, Pratibha Jaiswal, Prince Kumar Srivastava, Priyanka Singh, Raghuvansh Misra, Raghvendra

Prakash, Rahul Dubey, Rajendra Kumar Pandey, Rajendra Singh, Rajesh Kumar Gautam, Rajesh Kumar Singh, Rajesh Kumar Tiwari, Rajrshi Gupta, Rakesh Kumar Mishra, Ratnendu Kumar Singh, Ravesh Kumar Singh, Rishabh Singh, Roshni Murad, Rukmani Ojha, Salman Ahmad, Sandeep Kumar Chaturvedi, Sanjay Singh, Sanjeev Kumar Singh, Santosh Kumar Rai, Santosh Singh, Sarvagya Singh, Satyvendra Singh Yadav, Saurabh Chaturvedi, Saurabh Singh, Shagun K. Saran, Shailesh Kumar Yadav, Shiv Bahadur Singh, Shriyanshi Upadhyay, Shubham Kumar Singh, Shweta Pandey, Sr. Advocate, Sukrampal, Sumit Kumar Gupta, Sunil Kumar Singh, Sunil Kumar Yadav, Surya Pratap Singh, Suyash Mehrotra, Syed Abid Ali Naqvi, Tiwari Ajay Kumar, Vindeshwari Prasad, Vipin Kumar Yadav, Vivek Chaturvedi, Yogendra Nath Yadav, Zeeshan Khan

Counsel for Opposite Party(s) : G.A.

Along with :

Criminal Misc. Bail Application No. 12410 of 2026:

1. Zaheeruddin
Versus
State of U.P.

Criminal Misc. Bail Application No. 16482 of 2026:

2. Girdhari
Versus
State of U.P.

Criminal Misc. Bail Application No. 17349 of 2026:

3. Usman Khan
Versus
State of U.P.

Criminal Misc. Bail Application No. 17810 of 2026:

4. Vinod Agrawal
Versus
State of U.P.

5. **Criminal Misc. Bail Application No. 18028 of 2026:**

Vinod Verma

Versus

State of U.P.

Criminal Misc. Bail Application No. 18059 of 2026:

6.

Rohit Kumar Verma

Versus

State of U.P.

Criminal Misc. Bail Application No. 19353 of 2026:

7.

Santosh Giri

Versus

State of U.P.

Criminal Misc. Bail Application No. 19867 of 2026:

8.

Wamik Ali

Versus

State of U.P.

Criminal Misc. Bail Application No. 21530 of 2026:

9.

Mukesh Pandey

Versus

State of U.P.

Criminal Misc. Bail Application No. 22392 of 2026:

10.

Shailendra Tiwari

Versus

State of U.P.

Criminal Misc. Bail Application No. 25031 of 2026:

11.

Akash Chauhan

Versus

State of U.P.

Criminal Misc. Bail Application No. 27222 of 2026:

12.

Harsh Agarwal

Versus

State of U.P.

Criminal Misc. Bail Application No. 4459 of 2026:

13.

Sarvansh

Versus

State of U.P.

Criminal Misc. Bail Application No. 5037 of 2026:

14.

Rajnesh Kumar Alias Raju

Versus

State of U.P.

- Criminal Misc. Bail Application No. 10322 of 2026:**
15. Parmatma Prasad Chaudhary
Versus
State of U.P.
- Criminal Misc. Bail Application No. 11617 of 2026:**
16. Priyanka Gupta
Versus
State of U.P.
- Criminal Misc. Bail Application No. 18610 of 2026:**
17. Ankush Singh
Versus
State of U.P.
- Criminal Misc. Bail Application No. 19913 of 2026:**
18. Wamik Ali
Versus
State of U.P.
- Criminal Misc. Bail Application No. 20174 of 2026:**
19. Azad Singh @ Golu
Versus
State of U.P.
- Criminal Misc. Bail Application No. 25007 of 2026:**
20. Anant Dev
Versus
State of U.P.
- Criminal Misc. Bail Application No. 26042 of 2026:**
21. Mohd Aslam
Versus
State of U.P.
- Criminal Misc. Bail Application No. 44015 of 2025:**
22. Brijmohan Shivhare
Versus
State of U.P.
- Criminal Misc. Bail Application No. 800 of 2026:**
23. Dharmendra Kumar Singh
Versus
State of U.P.
- Criminal Misc. Bail Application No. 15288 of 2026:**
24. Ankush Singh
Versus

- State of U.P.
Criminal Misc. Bail Application No. 16536 of 2026:
25. Mohit
Versus
State of U.P.
Criminal Misc. Bail Application No. 18776 of 2026:
26. Vibhor Rana
Versus
State of U.P.
Criminal Misc. Bail Application No. 19618 of 2026:
27. Salman Khan
Versus
State of U.P.
Criminal Misc. Bail Application No. 24317 of 2026:
28. Shubham Singh
Versus
State of U.P. and another
Criminal Misc. Bail Application No. 24920 of 2026:
29. Swapanil Kesari
Versus
State of U.P.
Criminal Misc. Bail Application No. 25269 of 2026:
30. Yogesh Tiwari
Versus
State of U.P.
Criminal Misc. Bail Application No. 26170 of 2026:
31. Ravikar Singh
Versus
State of U.P.
Criminal Misc. Bail Application No. 28474 of 2026:
32. Shailendra Tiwari
Versus
State of U.P.
Criminal Misc. Bail Application No. 43074 of 2025:
33. Chetnarayan Chaudhary
Versus
State of U.P.
34. **Criminal Misc. Bail Application No. 1298 of 2026:**

- Ankit Patel
Versus
State of U.P.
Criminal Misc. Bail Application No. 15183 of 2026:
35. Raghav Singh
Versus
State of U.P.
Criminal Misc. Bail Application No. 17904 of 2026:
36. Divesh Jaiswal
Versus
State of U.P.
Criminal Misc. Bail Application No. 19447 of 2026:
37. Sushil Yadav
Versus
State of U.P.
Criminal Misc. Bail Application No. 19989 of 2026:
38. Ashish Yadav
Versus
State of U.P.
Criminal Misc. Bail Application No. 25190 of 2026:
39. Umesh Chandra Alias Umesh Chandra Chaturvedi
Versus
State of U.P.
Criminal Misc. Bail Application No. 27164 of 2026:
40. Ghanshyam
Versus
State of U.P.
Criminal Misc. Bail Application No. 8147 of 2026:
41. Jitendra Singh
Versus
State of U.P.
Criminal Misc. Bail Application No. 11388 of 2026:
42. Kamal Maurya
Versus
State of U.P.
Criminal Misc. Bail Application No. 16465 of 2026:
43. Ram Autar
Versus
State of U.P.

- Criminal Misc. Bail Application No. 17056 of 2026:**
44. Badal Arya
Versus
State of U.P.
- Criminal Misc. Bail Application No. 17864 of 2026:**
45. Vikesh @ Pappu
Versus
State of U.P.
- Criminal Misc. Bail Application No. 18771 of 2026:**
46. Vishal Singh
Versus
State of U.P.
- Criminal Misc. Bail Application No. 18882 of 2026:**
47. Jitendra Singh
Versus
State of U.P.
- Criminal Misc. Bail Application No. 22379 of 2026:**
48. Shailendra Tiwari
Versus
State of U.P.
- Criminal Misc. Bail Application No. 24890 of 2026:**
49. Tushar Kumar
Versus
State of U.P.
- Criminal Misc. Bail Application No. 25729 of 2026:**
50. Zeeshan
Versus
State of U.P.
- Criminal Misc. Bail Application No. 43070 of 2025:**
51. Kul Narayan
Versus
State of U.P.
- Criminal Misc. Bail Application No. 7622 of 2026:**
52. Shivanshu Singh
Versus
State of U.P.
- Criminal Misc. Bail Application No. 11375 of 2026:**
53. Pappu Ram Sharma @ Pradeep Sharma
Versus

- State of U.P.
Criminal Misc. Bail Application No. 14203 of 2026:
54. Mohd Asad
Versus
State of U.P.
Criminal Misc. Bail Application No. 14351 of 2026:
55. Divesh Jaiswal
Versus
State of U.P.
Criminal Misc. Bail Application No. 21158 of 2026:
56. Faijur Rahman
Versus
State of U.P.
Criminal Misc. Bail Application No. 22162 of 2026:
57. Anant Dev
Versus
State of U.P.
Criminal Misc. Bail Application No. 23065 of 2026:
58. Amit Kumar Singh
Versus
State of U.P. and another
Criminal Misc. Bail Application No. 7664 of 2026:
59. Parag Bansal
Versus
State of U.P.
Criminal Misc. Bail Application No. 14465 of 2026:
60. Abhinav Kumar Yadav
Versus
State of U.P.
Criminal Misc. Bail Application No. 15295 of 2026:
61. Panjab Singh
Versus
State of U.P.
Criminal Misc. Bail Application No. 16478 of 2026:
62. Rehan Alam Raeen
Versus
State of U.P.
63. **Criminal Misc. Bail Application No. 17389 of 2026:**

Om Prakash Kharwar

Versus

State of U.P.

Criminal Misc. Bail Application No. 19531 of 2026:

64. Himanshu Kasera

Versus

State of U.P.

Criminal Misc. Bail Application No. 20106 of 2026:

65. Dinesh Kumar Yadav

Versus

State of U.P.

Criminal Misc. Bail Application No. 20249 of 2026:

66. Sanskar Verma

Versus

State of U.P.

Criminal Misc. Bail Application No. 20708 of 2026:

67. Pankaj Kumar

Versus

State of U.P.

Criminal Misc. Bail Application No. 20719 of 2026:

68. Vaibhav Jaiswal

Versus

State of U.P.

Criminal Misc. Bail Application No. 39018 of 2025:

69. Sunil Kumar Vairagi

Versus

State of U.P.

Criminal Misc. Bail Application No. 13162 of 2026:

70. Ram Gopal Dhakad

Versus

State of U.P.

Criminal Misc. Bail Application No. 14549 of 2026:

71. Divesh Jaiswal

Versus

State of U.P.

Criminal Misc. Bail Application No. 17096 of 2026:

72. Aakash Pathak

Versus

State of U.P.

Criminal Misc. Bail Application No. 18114 of 2026:

73. Devesh Jaiswal @ Divesh Jaiswal
Versus

State of U.P.

Criminal Misc. Bail Application No. 23044 of 2026:

74. Deepu Yadav
Versus

State of U.P.

Criminal Misc. Bail Application No. 45511 of 2025:

75. Suraj Kumar Kharwar
Versus

State of U.P.

Criminal Misc. Bail Application No. 8466 of 2026:

76. Pankaj Sharma
Versus

State of U.P.

Court No. - 66**HON'BLE ARUN KUMAR SINGH DESHWAL, J.**

1. All the above bail applications have been connected and nominated to this Bench by the Hon'ble Chief Justice; therefore, all bail applications are being disposed of with a common judgment.

2. In all the bail applications, the common issue relates to stock, sale and transport of codeine-based cough syrups (like New Phensedyl, Eskuf, Codectus, Lykarex-T, Phencypink-T, Rexley-T).

3. Learned counsel for the applicants have jointly submitted that the codeine-based cough syrup involved in the present cases has the permitted quantity of codeine; therefore, such codeine-based cough syrup cannot fall in the category of narcotic drug but is simply a drug. Therefore, the provisions of the Narcotic Drugs and Psychotropic Substances Act (in short, 'NDPS' Act) will not be applicable. However, the provisions of the Drugs and Cosmetics Act would apply. Therefore, the police have falsely implicated all

the applicants by invoking the stringent provisions of the NDPS Act.

4. In view of the above submission, the legal question has arisen as to whether codeine-based cough syrup having the permitted quantity of codeine and established in therapeutic practice will attract the provisions of the NDPS Act, if the same is sold, transported or stocked in violation of the conditions of licence issued under the Drugs and Cosmetics Act. On this issue, on behalf of all the applicants, Sri G.S. Chaturvedi, learned Sr. Adv., Sri Nipun Singh, learned Sr. Adv., and Sri Sushil Shukla, learned Sr. Adv., have advanced arguments on behalf of the applicants and Sri Anoop Trivedi, learned Additional Advocate General assisted by Sri Paritosh Kumar Malviya, Sri Chandan Agrawal, Nitesh Kumar Srivastava, Ranjit Kumar Sagar, AGAs along with Sri Rakesh Kumar Soni, State Law Officer on behalf of the State.

5. Sri G.S. Chaturvedi, learned Senior Advocate, has submitted that though codeine is a narcotic drug under the NDPS Act, codeine-based cough syrup is not a narcotic drug because it has the permitted quantity of codeine as per Entry 35 of Notification dated 14.11.1985 issued under Section 2(xi)(b) of the NDPS Act. This notification declared several narcotic substances, their salts and preparations as manufactured drugs subject to the condition that the codeine in such preparation should be more than 100 ml per dose unit and the concentration of codeine should be more than 2.5% in that preparation. It is submitted that the cough syrup in the present cases have only 0.2% codeine, which is much below the quantity prescribed as per Entry 35 of Notification dated 14.11.1985; therefore, the same would not fall within the definition of manufactured drugs and the provision of the NDPS Act will not be attracted if the same is sold, stocked or transported after having a licence as stockist, dealer or retailer under the Drugs and Cosmetics Act.

6. Sri Nipun Singh, learned Senior Counsel for the applicant, submitted that drugs mentioned in Schedule H and H(1) of the Drugs and Cosmetics Rules, 1985 (hereinafter referred to as the Drugs Rules) can only be sold by a stockist on medical prescription and Rules 65(5) of the Drugs Rules provides the procedure for sale of drugs including the maintaining the record of sale. It is further submitted that Rule 65(9) also prescribes that drugs mentioned in Schedule H and H(1) should be supplied only based on prescription by the retail outlet of medicine. He further submitted that on the label of bottles of codeine based cough syrups, the symbol 'Rx' has been mentioned instead of 'NRx' as provided in Rule 97 © of the Drugs Rules, which requires that drugs having narcotic contents should be mentioned 'NRx'.

7. Learned counsel for the applicant also relied upon the judgement of the Division Bench of this Court in the case of **Vibhor Rana vs Union of India and another; 2021 SCC OnLine All 908**, wherein, in paras 41, 42 and 44, it has been observed that phensedyl cough syrup was found having codeine concentration of 0.2%. Therefore, as per Entry 35 of the notification dated 14.11.1985 issued by the Government of India in exercise of powers under Section 2(xi) (b) of NDPS Act, this drug would not fall under the definition of narcotic drugs; hence, it will not be subjected to the provisions of NDPS Act.

8. He also submitted that as per the judgement of **Vibhor Rana (supra)**, the expression "therapeutic practice" mentioned in Entry 35 of the notification dated 14.11.1985 cannot be altered to mean "therapeutic purposes" and mere use or misuse of a drug by the end user or consumer would not have any effect on the governing law.

9. He has also relied upon the judgment of the Single Bench of this Court in the case of **Ashok Kumar vs Union of India reported in (2014) SCC OnLine All 16411**, wherein it has been held that

Phensedyl containing less than 100 ml of codeine per dosage unit would not fall within the category of narcotic drugs. He further relied upon the judgment of the Apex Court in the case of **Mohd. Sahabuddin another vs State of Assam** reported in (2012) 13 SCC 491 and submitted that the observation of **Mohd. Sahabuddin's case (supra)** is not applicable in the present case because in the case of **Mohd. Sahabuddin (supra)**, the recovered drug was having more than the permitted quantity of codeine.

10. Learned counsel for the applicant submitted that the Central Drug Authority has also clarified through notification dated 02.05.2009 that phensedyl drug is regulated by the Drugs Act and cannot be termed as a narcotic drug; therefore, the provisions of the NDPS Act would not apply in the present case.

11. Mr. Nipun Singh, learned counsel for the applicant, further relied upon the judgement of Patna High Court in the case of **Sanjeev vs State of Bihar in Criminal Miscellaneous No.20517 of 2026**, wherein after considering the judgement of **Hira Singh vs Union of India; (2020) 20 SCC 272**, it has been observed that Phensedyl cough syrup is within the permissible limit as mentioned in the notification 1985 would not be narcotic drug.

12. Per contra, Sri Anoop Trivedi, learned Additional Advocate General, vehemently opposed the submissions and submitted that the notification dated 02.05.2009 issued by the Drug Controller cannot be a correct interpretation of law as it is simply an administrative instruction and cannot be treated as correct interpretation which is in the exclusive domain of the Court. It is further submitted that a solution or mixture of narcotic drugs will not lose its character and will also remain narcotic subject to other conditions of the NDPS Act. He further submitted that the notification dated 14.11.1985 issued by the Central Government provides twin conditions for excluding the preparation from the definition of manufactured drug: the first is preparations containing

codeine not more than 100 mg of drug per dose, subject to the condition that the concentration of codeine should not exceed 2.5% in undivided preparations. The second mandatory condition is that such preparations have been established in therapeutic practice. Therefore, even if cough syrup contains the permitted quantity of codeine, if the same is used for other than therapeutic purposes, then it will definitely fall within the category of manufactured drugs, as both the conditions are to be satisfied even as per notification.

13. It is further submitted that in the present case, the codeine syrup was transferred to different places for use other than medicinal and scientific purposes. In such circumstances, it would fall within the premise of a manufactured drug which would attract the provisions of the NDPS Act.

14. Learned AAG further submitted that codeine is an opium derivative which has been specifically mentioned in Section 2(xvi) of the NDPS Act and Opium derivatives are defined as manufactured drugs as per Section 2(xi) of the NDPS Act. Therefore, codeine, in any form, will be a manufactured drug under Section 2(xvi)(a) of the NDPS Act. It is further submitted that in the **Mohd. Sahabuddin's case (supra)**, the recovered codeine syrup also contained the permitted quantity of codeine. Therefore, the law laid down in **Mohd. Sahabuddin's case (supra)** is good law which specifically prescribed satisfaction of twin conditions for declaring codeine syrup as an exception to manufactured drug. He has relied on paras 9, 10, 11, 11 and 12 of **Mohd. Sahabuddin's case (supra)**, wherein it is mentioned that even if recovered codeine syrup has less than 2.5% codeine concentration, if any person transports it in huge quantities for other purposes and not for therapeutic practice, then, codeine syrup would fall within the category of narcotic drugs being a

manufactured drug as per Central Government's notification dated 14.11.1985.

15. He further relied upon the judgement of the Apex Court in the case of **Union of India vs Sanjeev V. Deshpande (2014)13 SCC1**, wherein it has been observed that dealing in narcotic drugs, except for medical or scientific purpose, would be punishable under the NDPS Act. It is further submitted that in the case of **Sanjeev V. Deshpande's case (supra)**, the Apex Court further observed in para 35 that Section 80 of the NDPS Act is not in contravention of, but in addition to, the provisions of the Drugs and Cosmetics Act. Therefore, even if a drug containing a narcotic substance is subject to a licence issued under the Drugs and Cosmetics Act, if it violates conditions regarding the use of drugs for medicinal or scientific purposes, it would definitely be punishable under the NDPS Act.

16. Learned AAG further relied upon the judgement of the Apex Court in the case of **Hira Singh v Union of India, (2020) 20 SCC 272**, wherein it has been observed that while determining the quantity of drugs in a mixture, it should be considered as a whole, not the actual weight of the narcotic in the mixture.

17. He further relied upon the judgement of the Apex Court in the case of **Revenue Intelligence Directorate vs. Raj Kumar Arora; (2026) 2 SCC 401**, wherein the Apex Court in paras 60, 61, 98 and 102.15 discussed the scheme of the Drugs and Cosmetics Act and NDPS Act and observed that even if narcotic drug is mentioned in the schedule H of the Drugs and Cosmetics Act, if same is narcotic drugs and uses in violation of Section 8(c) of NDPS Act, then provisions of NDPS Act would definitely attract. In the case of **Raj Kumar Arora (supra)**, the Apex Court observed that Buprenorphine Hydrochloride is mentioned as a psychotropic substance in the NDPS Act even though the same is not mentioned in the NDPS Rules; using it in violation of Section 8(c)

of the NDPS Act would attract the penalty provisions even though the same is mentioned in Schedule H of the Drugs and Cosmetics Act.

18. Learned AAG, Mr. Anoop Trivedi further submitted that the law laid down in **Vibhor Rana's case (supra)** is no longer correct because the Division Bench of the Delhi High Court in the case of **Mohd. Ahsan vs Customs; 2022 SCC OnLine Del 2910 (Bail Application No. 1136 of 2021)** has declared the same as *per incuriam*. He has also relied upon the following judgements;

Azhar Javaid Rather v. U.T. of J&K (MANU/JK/0274/2023)

Nasir Husain v. State of H.P. (MANU/HP/0658/2024)

Govindbhai Valabhai Prajapati v. State of Gujarat (MANU/GJ/1052/2023)

Ramraj Choudhury v. The State of West Bengal (MANU/WB/1741/2022)

Gopal Gupta vs. Central Bureau of Narcotics (CRA No. 2321/2026)

Pappu Gupta v. State of Madhya Pradesh (MANU/MP/0417/2021)

Dubara Singh v. State of Madhya Pradesh (MANU/MP/0010/2024)

Ranjan v. State of Madhya Pradesh (MANU/MP/0010/2019)

Rahul Gupta v. State of Madhya Pradesh (MANU/MP/1679/2023)

Rajkamal Namdev v. State of Madhya Pradesh (MCRC-25233-2021)

Hamid v. State of Punjab (MANU/PH/0844/2024)

Inderjeet Singh @ Laddi vs. State of Punjab (CRM No. M-13140 of 2012)

Ravi Kumar Prajapati @ Rav B Prajapati vs. State of Bihar

Arman Ansari v. State of Bihar (MANU/BH/1399/2025)

Nilendra Kumar Karan and Ors. v. The State of Bihar (MANU/BH/1235/2025)

Naveen Bansal v. State (GNCTD) (MANU/DE/6186/2025)

Arvind Kumar v. The State (MANU/DE/0245/2020)

Ismail Aabdullah Ansari v. State of Maharashtra (2025:BHC-AS:32811)

Sandeep Kumar v. The State of Jharkhand (MANU/JH/1205/2021)

A.M. Manikandan v. Intelligence Directorate (DRI) (MANU/TN/3100/2019)

Gavranjeet Singh @ Gavrana vs. The State of Rajasthan S.B. Criminal Misc. Bail No. 3790/2017

Jaswinder Singh vs. State of Himachal Pradesh (2013 SCC OnLine HP 2080)

Praduman Justa vs. State of Himachal Pradesh (Cr.M.P.(M) No. 450 of 2016)

Harshal Desai vs. Central Bureau of Narcotics (CBI) (2024 SCC OnLine Mani 608)

19. Considering the aforesaid submissions, the question arises whether codeine based cough syrup having a permitted quantity of codeine is a narcotic drug or not, even if the same is not used for therapeutic purposes. Therefore, this Court formulates the following two questions for determination-

Question No. 1: Whether the codeine-based cough syrup having permitted quantity of codeine as mentioned in Entry 35 of Notification dated 14.11.1985 would attract the provisions of the NDPS Act, if the same has been sold or transported by the drug licence holder to another drug licence holder or any person for medicinal purposes.

Question No. 2: Whether the codeine-based cough syrup having permitted quantity of codeine, though produced for cough suppressant, but transported, sold or stored for the purpose (like intoxication) other than medicinal use, would attract the provisions of the NDPS Act.

20. The composition of 100 ml bottle of new phensedyl cough syrup as well as others cough syrup involved in the present case is each contains: (i) chlorpheniramine maleate- 4mg (ii) codeine phosphate- 10 mg. In Schedule H of the Drugs and Cosmetics Act, narcotic drugs have also been mentioned at Sl. No. 346, and codeine is also mentioned separately at Sl—no. 20 in Schedule H-1 of the Drugs and Cosmetics Act. Note of Schedule H-1 provides that the preparation of drugs (codeine) shall also be covered in Schedule H-1 and can be sold only on a medical prescription. For selling any drug mentioned in Schedule H and H1, including codeine, the stockist and retailer must maintain records and hold a valid licence under the Drugs and Cosmetics Act; violation is punishable under the Act.

21. Definition of drugs has been given in Section 3(b) of the Drugs and Cosmetics Act, which includes all medicines for internal or external use of human beings or animals, including all substances intended to be used in the diagnosis, treatment and mitigation or prevention of any disease or disorder of human beings or animals. Drugs may include narcotic drugs, but for a substance to become a narcotic drug, it should come within the definition of narcotic drugs as mentioned in the NDPS Act. Narcotic drug has been defined under Section 2(xiv) of the NDPS Act, which includes the coca leaf, cannabis (hemp), opium and poppy straw, including all manufactured drugs. It is undisputed that all cough syrups in the present case are preparations of codeine. Natural manufactured drugs or artificial manufactured drugs are also drugs. Section 2(xiv) of the NDPS Act is being quoted as under;

“Section 2(xiv) “narcotic drug” means coca leaf, cannabis (hemp), opium, poppy straw and includes all manufactured drugs;”

22. Section 2(xi) of the NDPS Act defines the manufactured drug. Under Section 2(xi)(a), it has been mentioned that apart from coca derivatives and medicinal cannabis, opium derivatives and poppy straw concentrate will also come within its purview. The manufactured drug under Section 2(xi)(b) also includes other narcotic substances or preparations which the Central Government, by notification, declares to be a manufactured drug. Section 2(xi) (b) also provides an exception to manufactured drugs despite being a narcotic substance or its preparation if the Central Government, by notification, declares it as not to be a manufactured drug. Section 2(xi) of the NDPS Act is quoted as under;

2(xi) “manufactured drug” means—

(a) all coca derivatives, medicinal cannabis, opium derivatives and poppy straw concentrate;

(b) any other narcotic substance or preparation which the Central Government may, having regard to the available information as to its nature or to a decision, if any, under any International Convention, by notification in the Official Gazette, declare to be a manufactured drug,

but does not include any narcotic substance or preparation which the Central Government may, having regard to the available information as to a decision, if any, under any International Convention, by notification in the Official Gazette, declare not to be a manufactured drug;

23. Codeine comes in the definition of manufactured drug being opium derivatives as per Section 2(xvi) of the NDPS Act. Section 2(xvi) is quoted as under;

(xvi) "opium derivative" means—

(a) medicinal opium, that is, opium which has undergone the processes necessary to adapt it for medicinal use in accordance with the requirements of the Indian Pharmacopoeia or any other pharmacopoeia notified in this behalf by the Central Government, whether in powder form or granulated or otherwise or mixed with neutral materials;

(b) prepared opium, that is, any product of opium obtained by any series of operations designed to transform opium into an extract suitable for smoking and the dross or other residue remaining after opium is smoked;

(c) phenanthrene alkaloids, namely, morphine, codeine, thebaine and their salts;

(d) diacetylmorphine, that is, the alkaloid also known as dia-morphine or heroin and its salts; and

(e) all preparations containing more than 0.2 per cent. of morphine or containing any diacetylmorphine.

24. From the perusal of the definition of opium derivatives, it is clear that, apart from codeine, morphine, thebaine, diacetylmorphine and their salts, also come therein. It is clear from the definition of opium derivatives that all preparations containing more than 0.2% morphine or diacetylmorphine would

also come within the definition of opium derivatives. All preparations which would be covered under opium derivatives have been mentioned under Section 2(xvi)(e) of the NDPS Act, but these preparations do not include the preparation of codeine. The definition of preparation is also given under Section 2(xx) of the NDPS Act, which includes any one or more narcotic drugs or psychotropic substances in dosage form or any solution or mixture, in whatever state containing one or more such drugs or substances. Section 2(xx) of the NDPS Act is quoted as follows:

(xx) "preparation", in relation to a narcotic drug or psychotropic substance, means any one or more such drugs or substances in dosage form or any solution or mixture, in whatever physical state, containing one or more such drugs or substances;

25. Therefore, codeine based cough syrup (like phensedyle or Eskuf) is a preparation having a mixture of codeine sulphate and triprolidine hydrochloride or any other drugs but having contents of codeine of 10 mg with concentration of 2.5% codeine in 5 ml dose of syrup. As the preparation of codeine and certain other opium derivatives was not clearly defined as a drug under Section 2 (xvi) of the NDPS Act, therefore, the Central Government, in exercise of powers under Section 2(xi)(b) of the NDPS Act, issued a notification on 14.11.1985.

26. This notification declared certain narcotic substance as well as their preparation to be manufactured drugs for section 2(xi)(b). In entry 35 of the notification dated 14.11.1985, it has been mentioned that methyl morphine, which is also known as codeine and ethyl morphine, as well as their salts, will be manufactured drugs. Apart from this, it is also mentioned that all dilution and preparation of codeine will also be a manufactured drug, except the compound having one or more ingredients and containing not more than 100 mg of drugs (codeine) per dose, that is 5 ml with concentration not more than 2.5% in undivided preparations with

further condition that the said preparations have been established in therapeutic practice. Entry 35 of the notification dated 14.11.1985 is being quoted as under;

“35. Methyl morphine (commonly known as ‘Codeine’) and Ethyle morphine and their salts (including Dionine), all dilutions and preparations except those which are compounded with one or more other ingredients and containing not more than 100 milligrams of the drug per dosage unit, and with a concentration of not more than 2.5% in undivided preparations and which have been established in therapeutic practice. ”

27. Similarly, it is also clear from conjoint reading of Entry 35 of Notification dated 14.11.1985, Section 2(xvi), 2(xi) and Section 2xiv) of the NDPS Act that all dilutions and preparations of codeine will be narcotic drugs irrespective of quantity of codeine except the preparation of codeine or its salt which has been established (accepted and approved) in therapeutic practice (to treat or cure a disease) and this preparation does not have quantity of codeine more than 100 mg per dosage unit and concentration not more than 2.5%.

28. From the perusal of Entry 35 read with the definition of manufactured drugs, it is clear that the preparation of codeine is made with one or more compounds. Still, if it does not contain more than 100 mg of codeine per dosage unit, has a concentration of not more than 2.5%, and this preparation has been established for therapeutic practice. This preparation would not be a manufactured drug. Therefore, it would also not come within the definition of narcotic drug, if the same is being dealt with in the ordinary course of business of medicine and provisions of NDPS Act would not apply.

29. Government of India, by notification dated 5th May 2015, notified several narcotic drugs and their preparation (including the preparation of codeine containing more than permitted quantity of codeine as essential narcotic drugs for Section 2(viii)(a) of the NDPS Act for medical and scientific purposes. The notification

dated 5th May, 2015 of the Government of India is being quoted as under;

MINISTRY OF FINANCE

(Department of Revenue)

NOTIFICATION

New Delhi, the 5th May, 2015

S.O.1181(E). In exercise of the powers conferred by clause (viii) of Section 2 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985), the Central Government hereby notifies for medical and scientific use the following narcotic drugs to be essential narcotic drugs, namely:

*(1) Methyl morphine (commonly known as 'Codeine') and Ethyl morphine and their salts (including Dionine), all dilutions and preparations **except** those which are compounded with one or more other ingredients and containing not more than 100 milligrammes of the drug per dosage unit and with a concentration of not more than 2.5% in undivided preparations and which have been established in therapeutic practice;*

(2) 1-phenethyl-4-N-propionylanilino-piperidine (the international-non-proprietary name of which is Fentanyl) and its salts and preparations, admixtures, extracts or other substances containing any of these drugs;

(3) Dihydrocodeinone (commonly known as Hydrocodone), its salts (such as Dicodide, Codinovo, Diconone, Hycodan, Multacodin, Nyodide, Ydroced and the like) and its esters and salts of its esters, and preparations, admixtures, extracts or other substances containing any of these drugs;

(4) 4:4-diphenyl-6-dimethylamino-heptanone-3 (otherwise known as 6-dimethyl amino 4: 4 diphenyl-3-heptanone and as Methadone) and its salts such as (Adanon, Algolysin, Amidone, Amdosan, Butalgin, Depridol, Diaminon, Dianone, Dolafin, Dolamid, Dolphine, Doriexol, Heptadol, Heptanal, Hoechst, 10820, Detalgine, Mecodin, Mepection, Mephenon, Miadone, Moheptal, Physeptone, Psysopeptone, Polamidon, Simoron, Turnanon and the like) and preparations, admixtures, extracts or other substances containing any of these drugs;

(5) Morphine and its salts and all preparations containing more than 0.2 per cent. of Morphine;

(6) Dihydroxy Codeinone (commonly known as 'Oxy-codone and Dihydroxycodeinone), its salts (such as Eucodal, Boncodal, Dinarcon, Hydrolaudin, Nucodan, Percodan, Scophedal, Tebodol and the like), its esters and the salts of its esters and preparations, admixtures, extracts or other substances containing any of these drugs.

[F. No. N-11011/1/2014-NC-11 (2)]

SATYA NARAYANA DASH, Under Secy.

30. It is relevant to mention here that the Central Government is empowered by framing rules under Section 9 of the NDPS Act to permit and regulate the stock, transport, sale, purchase, use and

consumption of essential narcotic drugs. At the same time, the State Government is authorised under Section 10 of the NDPS Act to frame rules to permit and regulate the stock, transport, sale, purchase, use, or consumption of manufactured drugs (other than essential narcotic drugs) and their preparations. Therefore, essential narcotic drugs can be possessed, transported, sold, purchased, etc. as per Chapter V-A of NDPS Rules, 1985. **It is also not in dispute that codeine based cough syrup having a permitted quantity of codeine is not an essential narcotic drug.**

31. Therefore, it is undisputedly clear that, if two conditions are satisfied, one is that the preparation does not have more than 100 mg of codeine or its salt per dose and a concentration of less than 2.5%. Second, the preparation has been established for therapeutic practice; only then will this preparation not fall under a narcotic drug. It is not in dispute that all the codeine cough syrups in the present case have less than 100 ml of codeine and a concentration of less than 2.5%, and these syrups have been accepted and approved for therapeutic practice.

32. The expression **“established for therapeutic practice”** has been interpreted in the case of **Vibhore Rana (supra)**, wherein the Court observed that the word ‘established for therapeutic practice’ means that the compound in question has been established to be a drug in accordance with therapeutic practice and further observed that expression ‘established for therapeutic practice’ cannot be altered to read as used for therapeutic purpose. Para 41, 42 and 44 of **Vibhore Rana (supra)** are being quoted as under:-

“41. The expression “established in therapeutic practice” has not been interpreted in any previous decision. It is a basic rule of interpretation that the words used in the statute should be given their simple and natural meaning and neither any word should be added nor should any word be ignored while interpreting any provision. When the Government has used the expression “established in therapeutic practice”, these words cannot be altered to read it as “used for therapeutic purposes”.

The phrase “established in therapeutic practice” apparently means that the compound in question has been established to be a drug in accordance with the therapeutic practices followed for establishment of new drugs. Therefore, the submission of Sri. Ashish Pandey that the drug in question does not fulfil condition no. (2) of having been “established in therapeutic practice”, is without any force.

42. Moreover, use or misuse of a drug by the end user or consumer of the same would not have any effect on the law governing the drug. Phensedyl is a drug covered by the exception contained in Article 35 of the Notification dated 14-11-1985 issued by the Central Government. It is not a narcotic drug and hence not covered by the provisions of the NDPS Act, and merely because some persons may be misusing it for other than therapeutic purposes, it would not come within the purview of the NDPS Act. The NDPS Act has been enacted for a specific object,, and the Authorities under the Act can exercise jurisdiction strictly in accordance with its provisions. The Authorities under the Act do not have sweeping powers to take action upon suspicion of any illegality or irregularity of any sort committed at any place in respect of any substance. It is settled law that penal statutes must be interpreted strictly.

44. In view of the foregoing discussion, we hold that in view of the fact that as per the composition of Phensedyl New Cough Linctus pleaded in the Writ Petitions, the prescription dosage of Phensedyl Cough Syrup is 5 ml and each dosage unit thereof contains 10 mg of Codeine Phosphate IP, besides Chlorpheniramine Maleate I.P., Phensedyl New Cough Linctus contains merely 0.2 % Codeine, and this has not been disputed and rather has been admitted by the learned Counsel for the Respondent NCB that there is no dispute that the drug in question fulfils the first condition for falling within the exception to Entry 35 of the Notification dated 14-11-1985 issued by the Central Government containing the list of Narcotic Drugs, i.e. being “compounded with one or more other ingredients and containing not more than 100 milligrams of the drug per dosage unit and with a concentration of not more than 2.5% in undivided preparations”, Phensedyl New Cough Linctus is not a Narcotic Drug and any dealing in this drug would not be subject to the provisions of the NDPS Act. The search and seizure conducted by the NCB Officials in Jaunpur on 17-01-2021 was without any authority of law and so is the complaint filed on 15-07-2021 by the Intelligence Officer, NCB under Sections 8, 21 ©, 22, 25, 29 and 60 (3) of the NDPS Act in the Court of Special Judge, NDPS Act at Jaunpur.

33. Expression **“established in therapeutic practice”** consists of the words “Established” and “therapeutic practice”. As per Oxford Dictionary, “Established” means having existed or done something for a long time and therefore recognised and generally accepted.

“Therapeutic practice” means Method or professional treatment used to heal, restore or improve physical, mental or emotional well-being.

Any word or expression may have different meanings in different contexts. Therefore, it must be interpreted in light of the reference or purpose for which it is used.

34. Therefore, the expression “Established in therapeutic practice” has to be interpreted in reference to medical purpose in the present case, in view of Section 8(c) of the NDPS Act. Accordingly, the correct meaning of the expression “established in therapeutic practice,” as mentioned in Entry 35 of the Central Government’s notification dated 14.11.1985, is a preparation that has been fully proven, widely accepted, and routinely used by doctors to treat or cure a disease or specific health condition, based on long-term medical proof. Codeine-based cough syrup, with a permitted quantity of codeine, has been proven effective in treating cough through several clinical trials and long-term clinical practice. Over time, this cough syrup has been established in therapeutic practice to cure cough. Therefore, codeine based cough syrup, having permitted quantity of codeine, satisfied the twin conditions to exempt it from the purview of manufactured drugs.

35. The NDPS Act was enacted for control, regulation and operation relating to narcotic drugs and psychotropic substances by making stringent provisions. Therefore, the NDPS Act, as well as the rules and notifications issued thereunder, should be interpreted as intended by the Legislation.

36. The dealing in drugs and making young people drug addicts is a crime against society. Therefore, it has to be dealt with, with an iron hand. The NDPS Act is a special law with the laudable purpose of combating this menace. This Act aims to prevent

illegal traffic rather than punish after the offence was committed. Therefore, the provisions of the NDPS Act must be interpreted with its object and purpose in mind. The NDPS Act should be interpreted literally, not liberally; otherwise, it would frustrate its basic object.

37. **Heydon's Rule**, which is also known as the mischief rule of statutory interpretation, was propounded by the Queen's Bench in the **Heydon's case (76 ER 637)**, wherein it was observed that while interpreting any law, whether it is penal, restrictive, or beneficial, the judge should interpret the law considering the following things.

1. What was the common law before the making of the Act?
2. What was the mischief and defect for which the common law did not provide?
3. What remedy had Parliament resolved and appointed to cure the mischief?
4. What was the true reason for the remedy?

38. As per the law propounded in **Heydon's case** to interpret a statute, the Judges should always make such construction as shall suppress the mischief and advance the remedy, and also to suppress the subtle inventions and evasions for the continuance of mischief.

39. The basic purpose of the NDPS Act is to prevent misuse of narcotic drugs. However, the NDPS Act, as well as notifications issued thereunder, makes it clear that apart from narcotic drugs, dealing in their derivatives or preparations may also be punishable except mixtures or preparations of very small quantity of narcotic drugs, which could be used only for medicinal purpose to prevent unnecessary harassment of drug dealers. As already observed in the foregoing paragraphs, phensedyl and other cough

syrups, with restricted quantity of codeine, are produced for therapeutic practice and will not come within the definition of narcotic drugs. However, the observation in the case of **Mohd Sahabuddin (supra)**, need to be considered wherein the Hon'ble Supreme Court observed that if huge quantity of cough syrup is being transported without any license, then it cannot be treated as therapeutic practice, because the person transporting in huge quantity of cough syrup does not have license either under the Drugs and Cosmetics Act or under the NDPS Act. Therefore, they cannot be permitted to seek protection of the NDPS Act or the Drugs and Cosmetics Act. Paragraph Nos. 9, 10, 11 and 12 of **Mohd. Sahabuddin's case (supra)** are being quoted as under;

“ 9. At the very outset, the above said submission of the learned counsel is liable to be rejected, inasmuch as, the conduct of the appellants in having transported huge quantity of 347 cartons containing 100 bottles in each carton of 100 ml Phensedyl cough syrup and 102 cartons, each carton containing 100 bottles of 100 ml Recodex cough syrup without valid documents for such transportation cannot be heard to state that he was not expected to fulfill any of the statutory requirements either under the provisions of the Drugs and Cosmetics Act or under the provisions of the NDPS Act.

10. It is not in dispute that each 100 ml bottle of Phensedyl cough syrup contained 183.15 to 189.85 mg of codeine phosphate and the each 100 ml bottle of Recodex cough syrup contained 182.73 mg of codeine phosphate. When the appellants were not in a position to explain as to whom the supply was meant either for distribution or for any licensed dealer dealing with pharmaceutical products and in the absence of any other valid explanation for effecting the transportation of such a huge quantity of the cough syrup which contained the narcotic substance of codeine phosphate beyond the prescribed limit, the application for grant of bail cannot be considered based on the above submissions made on behalf of the appellants.

11. The submission of the learned counsel for the appellants was that the content of the codeine phosphate in each 100 ml bottle if related to the permissible dosage, namely, 5 ml would only result in less than 10 mg of codeine phosphate thereby would fall within the permissible limit as stipulated in the Notifications dated 14-11-1985 and 29-1-1993. As rightly held by the High Court, the said contention should have satisfied the twin conditions, namely, that the contents of the narcotic substance should not be more than 100 mg of codeine, per dose unit and with a concentration of not more than 2.5% in undivided preparation apart from the other condition, namely, that it should be only for therapeutic

practice. Therapeutic practice as per dictionary meaning means "contributing to cure of disease". In other words, the assessment of codeine content on dosage basis can only be made only when the cough syrup is definitely kept or transported which is exclusively meant for its usage for curing a disease and as an action of remedial agent.

12. As pointed out by us earlier, since the appellants had no documents in their possession to disclose as to for what purpose such a huge quantity of Schedule H drug containing narcotic substance was being transported and that too stealthily, it cannot be simply presumed that such transportation was for therapeutic practice as mentioned in the Notifications dated 14-11-1985 and 29-1-1993. Therefore, if the said requirement meant for therapeutic practice is not satisfied then in the event of the entire 100 ml content of the cough syrup containing the prohibited quantity of codeine phosphate is meant for human consumption, the same would certainly fall within the penal provisions of the NDPS Act calling for appropriate punishment to be inflicted upon the appellants. Therefore, the appellants' failure to establish the specific conditions required to be satisfied under the abovereferred to notifications, the application of the exemption provided under the said notifications in order to consider the appellants' application for bail by the courts below does not arise."

40. From the perusal of paragraphs Nos. 9, 10, 11 and 12 of **Mohd. Sahabuddin's case (supra)** as quoted above, it is clear that, as per the chemical analysis report, the quantity of cough syrup recovered was above the exempted limit. If cough syrup is produced in violation of the restricted quantity of codeine, then it has not been produced for therapeutic purposes. However, in paragraph 15 of **Mohd. Sahabuddin's case (supra)**, the Apex Court observed that where a person has a valid licence and, in the course of business transactions and deals in pharmaceutical products containing permitted narcotic substances, violates the conditions of the licence. Such violations shall be dealt with under the relevant Act under which the licence was issued.

41. Though different High Courts had dealt with the provision of codeine syrup having restricted codeine differently. Some High Courts observed that it is outside the purview of the NDPS Act, and some observed that transporting a huge quantity of it, for purposes other than medicinal, also attracts the provisions of the NDPS Act. Hon'ble Delhi High Court, in the case of **Mohd.**

Ahsan's case (supra) observed that the judgement of the Allahabad High Court is per incuriam on the ground that codeine-based cough syrup like phensedyl is an essential narcotic drug in view of the notification dated 05.05.2015 of the Central Government, under which the Central Government is empowered to regulate under Section 9 of the NDPS Act. Para 38, 39, 41, 42, 43 and 45 of **Mohd. Ahsan's case (supra)** are quoted as under;

"38. The Division Bench of the High Court of Allahabad in Vibhor Rana (supra), after examining the aforesaid judgment of the Hon'ble Supreme Court in the State of Punjab v. Rakesh Kumar (supra) has observed:

"35. However, whether Phensedyl New Cough Linctus, or any substance containing 'Methyl morphine (commonly known as 'Codeine') and Ethyl morphine and their salts (including Dionine), all dilutions and preparations except those which are compounded with one or more other ingredients and containing not more than 100 milligrams of the drug per dosage unit and with a concentration of not more than 2.5% in undivided preparations and which have been established in Therapeutic practice.'" falls within the exception to item No. 35 of the Notification dated 14-11-1985 issued by the Government of India containing the list of narcotic drugs and whether it is a 'Manufactured drug' and is a 'narcotic substance' was neither raised nor adjudicated in this case.

xxx

38. In both the aforesaid decisions in State of Punjab v. Rakesh Kumar and Hemant Kumar Saini v. Union of India (Supra), the question whether or not the offending substances fell within the definitions of "manufactured drugs" and "narcotic substance" provided in Sections 2(xi) and 2(xiv) of the NDPS Act, was not decided. However, in the present case, the composition of the drug has been pleaded specifically, and the same has not been disputed by the respondents. It is thus admitted that Phensedyl New Cough Linctus contains Codeine compounded with one other ingredient, namely Chlorpheniramine Maleate and contains merely 10 milligrams per dosage unit of 5 ml, which is not more than 100 milligrams of the drug per dosage unit in undivided preparations and the concentration of Codeine in Phensedyl New Cough Linctus is merely 0.2%, which obviously is not more than 2.5%. and the precise question involved in the case is on the basis of the aforesaid undisputed facts, whether Phensedyl New Cough Linctus falls within the exception mentioned in entry 35 of the Notification dated 14-11- 1985 or not and consequently, whether the provisions of the NDPS Act would apply to it or not. Therefore, both the aforesaid judgments are not relevant for deciding the question involved in the present Writ Petition."

39. It may be noted that in the judgment of Hon'ble Supreme Court in *Md. Sahabuddin (supra)* it had been observed that the twin conditions in Entry 35, as aforesaid mentioned, would be fulfilled only if the recovered substance was "being used for therapeutic practice" and further observed in Para 11 of the said judgment;

"11...Therapeutic practice as per dictionary meaning means "contributing to cure of disease". In other words, the assessment of codeine content on dosage basis can only be made when the cough syrup is definitely kept or transported, which is exclusively meant for its usage for curing a disease and as an action of remedial agent."

41. The aforesaid case of *Vibhor Rana (supra)* was in the nature of a writ petition seeking quashing of the complaint case filed by the NCB, pending before the court of Special Judge NDPS Act and in its final conclusion the aforesaid division bench has held as under:

" 44. In view of the foregoing discussion, we hold that in view of the fact that as per the composition of Phensedyl New Cough Linctus pleaded in the Writ Petitions, the prescription dosage of Phensedyl Cough Syrup is 5 ml and each dosage unit thereof contains 10 mg of Codeine Phosphate IP, besides Chlorpheniramine Maleate I.P., Phensedyl New Cough Linctus contains merely 0.2 % Codeine, and this has not been disputed and rather has been admitted by the learned Counsel for the Respondent NCB that there is no dispute that the drug in question fulfils the first condition for falling within the exception to Entry 35 of the Notification dated 14-11-1985 issued by the Central Government containing the list of Narcotic Drugs, i.e. being "compounded with one or more other ingredients and containing not more than 100 milligrams of the drug per dosage unit and with a concentration of not more than 2.5% in undivided preparations", Phensedyl New Cough Linctus is not a Narcotic Drug and any dealing in this drug would not be subject to the provisions of the NDPS Act. The search and seizure conducted by the NCB Officials in Jaunpur on 17-01-2021 was without any authority of law and so is the complaint filed on 15-07-2021 by the Intelligence Officer, NCB under Sections 8, 21©, 22, 25, 29 and 60(3) of the NDPS Act in the Court of Special Judge, NDPS Act at Jaunpur."

42. The aforesaid judgments, however, have not considered the scope of Section 9(1)(a)(va) of the NDPS Act which provides as under:

" 9. Power of Central Government to permit, control and regulate.-

(1) Subject to the provisions of Section 8, the Central Government may, by rules—

(a) permit and regulate—

xxx

(va) the manufacture, possession, transport, import inter-State, export interState, sale, purchase, consumption and use of essential narcotic drugs:

Provided that where, in respect of an essential narcotic drug, the State Government has granted licence or permit under the provisions of Section 10 prior to the commencement of the Narcotic Drugs and Psychotropic Substances (Amendment) Act, 2014, such licence or permit shall continue to be valid till the date of its expiry or for a period of twelve months from such commencement, whichever is earlier.

xxx”

43. The aforesaid sub-clause (va) was introduced by the Narcotic Drugs and Psychotropic Substances (Amendment) Act, 2014 (No. 16 of 2014), which came into effect on 01.05.2014. The said amendment was introduced subsequent to the judgment of Hon’ble Supreme Court in Mohd. Sahabuddin’s case (supra). A bare reading of the said amended provision shows that the same was introduced in the NDPS Act authorizing the government to permit and regulate the manufacture, possession, transport, import interstate, export interstate, sale, purchase, consumption and use of the “essential narcotic drugs”. The term ‘essential narcotic drugs’ has not been defined in the NDPS Act. However, exercising powers under Section 9(1)(a)(va) of the NDPS Act, the Central Government vide notification dated 05.05.2015 (w.e.f. 05.05.2015) added Chapter-VA to The Narcotic Drugs and Psychotropic Substances Rules 1985 (hereinafter “NDPS Rules”). Rule 52A of the said Chapter provides as under:

“ 52A. Possession of essential narcotic drug.—(1) No person shall possess any essential narcotic drug otherwise than in accordance with the provisions of these rules.

(2) Any person may possess an essential narcotic drug in such quantity as has been at one time sold or dispensed for his use in accordance with the provisions of these rules.

(3) A registered medical practitioner may possess essential narcotic drug, for use in his practice but not for sale or distribution, not more than the quantity mentioned in the Table below, namely—

TABLE		
Sl. No.	Name of the essential narcotic drug	Quantity
(1)	(2)	(3)
1.	Morphine and its salts and all preparations containing more than 0.2 per cent of Morphine	500 Milligrammes
2.	Methyl morphine (commonly known as ‘Codeine’) and Ethyl morphine and their salts (including Dionine), all dilutions and preparations except those which are compounded with one or more other ingredients and containing not more than	2000 Milligrammes

100 milligrammes of the drug per dosage unit and with a concentration of not more than 2.5% in undivided preparations and which have been established in therapeutic practice

- | | | |
|----|--|---|
| 3. | <i>Dihydroxy Codeinone (commonly known as Oxycodone and Dihydroxycodeinone), its salts (such as Eucodal Boncodal Dinarcon Hydrolaudin, Nucodan, Percodan, Scophedal, Tebodol and the like), its esters and the salts of its ester and preparation, admixture, extracts or other substances containing any of these drugs</i> | <i>250
Milligrammes</i> |
| 4. | <i>Dihydrocodeinone (commonly known as Hydrocodone), its salts (such as Dicodide, Codinovo, Diconone, Hycodan, Multacodin, Nyodide, Ydroced and the like) and its esters and salts of its ester, and preparation, admixture, extracts or other substances containing any of these drugs</i> | <i>320
Milligrammes</i> |
| 5. | <i>1-phenethyl-4-N-propionylanilino-piperidine (the international non-proprietary name of patches which is Fentanyl) and its salts and each of preparations, admixture, extracts or other substances containing any of these drugs</i> | <i>Two transdermal
one
12.5
microgram
per
hour and 25
microgram
per
hour:</i> |

Provided that the Controller of Drugs or any other officer authorised in this behalf by him may by special order authorise, in Form 3-B, any such practitioner to possess the aforesaid drugs in quantity larger than as specified in the above Table:

Provided further that such authorisation may be granted or renewed, for a period not exceeding three years at a time.

Explanation.—The expression “for use in his practice” covers only the actual direct administration of the drugs to a patient under the care of the registered medical practitioner in accordance with established medical standards and practices.

xxx”

45. A bare perusal of the aforesaid rule clearly shows that the reliance placed on the same by learned counsel appearing on behalf of the petitioner is misplaced. The aforesaid Rule 66 relates to psychotropic substances and therefore, is not applicable to ‘codeine’ which is admittedly a ‘narcotic drug’ under the NDPS Act.

42. The above-quoted paragraphs show that the Delhi High Court in the case of **Mohd. Ahsan (supra)** incorrectly interpreted notifications dated 05.05.2015 as well as Rule 52A of NDPS Rules and treated the codeine cough syrup having permitted

quantity of codeine as essential narcotic drugs despite clear exemption thereof. Therefore, with great respect to the Bench that decided **Mohd. Ahsan's case (supra)**, it is submitted that the judgement of the Allahabad High Court in **Vibhor Rana's case (supra)** has meticulously decided the legal issue regarding manufactured drugs and their exemption. However, it has not considered **Mohd. Sahabuddin's case**, and legal position has been changed as on date in view of the judgement of the Hon'ble Apex Court in the case of **Raj Kumar Arora (supra)**.

43. In the present cases, Section 8(c) of the NDPS Act is also required to be considered, which prohibits dealing with any narcotic drug or psychotropic substance except for medicinal and scientific purposes and in the manner as provided in the rules, orders, as well as conditions of license issued to deal with narcotic drugs for medicinal and scientific purposes. Section 8 of the NDPS Act is quoted hereunder;

" 8. Prohibition of certain operations.— No person shall—

(a) cultivate any coca plant or gather any portion of coca plant; or

(b) cultivate the opium poppy or any cannabis plant; or

*(c) produce, manufacture, possess, sell, purchase, transport, warehouse, use, consume, import inter-State, export inter-State, import into India, export from India or tranship any narcotic drug or psychotropic substance, except for **medical or scientific purposes** and in the manner and to the extent provided by the provisions of this Act or the rules or orders made thereunder and in a case where any such provision imposes any requirement by way of licence, permit or authorisation also in accordance with the terms and conditions of such licence, permit or authorisation:*

Provided that, and subject to the other provisions of this Act and the rules made thereunder, the prohibition against the cultivation of the cannabis plant for the production of ganja or the production, possession, use, consumption, purchase, sale, transport, warehousing, import inter-State and export interState of ganja for any purpose other

than medical and scientific purpose shall take effect only from the date which the Central Government may, by notification in the Official Gazette, specify in this behalf.

1[Provided further that nothing in this section shall apply to the export of poppy straw for decorative purposes.]

44. From a perusal of Section 8(c) of the NDPS Act, it is clear that if any narcotic drug or psychotropic substance is used for other than medicinal and scientific purposes and also in violation of rules or orders made under the NDPS Act, then the same would be punishable under the NDPS Act. Codeine based cough syrup (like Phensedyl, Eskuf) has been excluded from the purview of manufactured drugs as well as from the essential narcotic drugs, as the same contains the permitted quantity of codeine or its salt and is produced for therapeutic practice. For such codeine-based cough syrup, the license is issued under the Drugs and Cosmetics Act, not the NDPS Act. Therefore, a valid licence holder can sell, transport, purchase or store the codeine cough syrup containing the permitted quantity of codeine as mentioned in Entry 35 of the notification dated 14.11.1985. In case of any violation, the concerned drug licence holder will be prosecuted under the Drugs and Cosmetics Act. However, if a person or firm does not have any license to deal with such codeine cough syrup and still deals in stock, sale, transport, etc. of this syrup, then he will not be entitled to the benefit of exemption given under Entry 35 of the notification dated 14.11.1985. Similarly, even if a person has a license to deal with codeine-based cough syrup having a permitted quantity of codeine, if he possesses, sells, or transports the same for the purpose of intoxication because of its codeine content, then that person will also not be entitled to get the benefit of the exemption given under Entry 35 of the notification dated 14.11.1985.

45. So far as the contention of Sri Anoop Trivedi, learned Additional Advocate General, that in the **Mohd. Sahabuddin's**

case (supra), the Hon'ble Apex Court observed that the word 'therapeutic practice' is contributing to the cure of the disease; therefore, cough syrup should be definitely kept or transported exclusively for the use of curing a disease, and as an action of a remedial agent; therefore, codeine cough syrup used for any other purpose would attract the provision of the NDPS Act. It is clear from the above judgment that, in respect to the person who does not have any valid license and is still transporting a huge quantity of codeine syrup, that cannot be treated as being for therapeutic purpose and further observed in paragraph no. 15 that if the person who has a valid license and, in the course of their business transaction, was dealing with the prescribed permitted quantity of narcotic, then for violation thereof, they are entitled to get relief. The observation of the Hon'ble Apex Court relates only to the person who does not have any license and still deals with the cough syrup, even if having the permitted quantity of codeine, as the same would be considered for a purpose other than therapeutic as required by **Entry 35 of the Notification** dated 14.11.1985 to get its exemption from drugs. It is further clear from the judgment of the Hon'ble Apex Court that the Apex Court has interpreted the 'therapeutic practice', not the "established in therapeutic practice"; therefore, the observations of the Apex Court in the case of **Mohd. Sahabuddin's case (supra)** can be said to be *obiter dictum* so far as the term "established therapeutic practice" is concerned and was in reference to the different facts and circumstances.

46. However, the question arises whether the codeine cough syrup like New Phensedyl, though itself does not fall in the manufactured drug being having permitted quantity of codeine, is transported or sold in violation of the drug licence for the purpose of using it as intoxicant not for medicinal use, would still not attract provision of NDPS Act?

47. Section 8 of NDPS Act specifically prohibits the dealing in any narcotic drug or psychotropic substance except for medicinal or scientific purpose. Similarly, Section 21 of the NDPS Act provide punishment for dealing in manufactured drug or any preparation containing any manufactured drug. The codeine is manufactured drug within the meaning of Section 2(XI) and 2(XVI)(c) of NDPS Act.

48. The Government of India in exercise of power under Section 2(vii-a), Section 2(xxiii)(a) of NDPS Act, has issued notification dated 19.10.2001, wherein the codeine has been mentioned at Sl. No. 23 as the narcotic drug and Note-2 of this notification provides that the preparation of the above drugs, which includes codeine, shall also be considered as narcotic drug and further in Note-4 of this notification provides, while measuring the quantity of narcotic drugs, entire mixture is to be taken into consideration instead of just actual drug contained therein. The codeine base syrup having permitted quantity of codeine has been excluded from the definition of manufactured drug, subject to condition that it is prepared only for therapeutic practice, which means to cure the disease, as interpreted by the Hon'ble Apex Court in the case of **Mohd. Sahabuddin (supra)**.

49. From the perusal of the above mentioned sections of NDPS Act as well as notification dated 19.10.2001 issued by Government of India, it is clear that not only codeine but also its preparation is a narcotic drug and same is punishable u/s 21 of the NDPS Act. Therefore, if the codeine preparation is exempted from being a manufactured drug for using the same as medicine, if having a permitted quantity of codeine, it would be outside the exemption if the same is stored, transported or used for intoxication, not for medicinal purpose. Such cases dealing with such codeine preparation will not be treated as codeine based

cough syrup having permitted quantity of codeine but simply a codeine preparation which is a narcotic drug.

50. Hon'ble Apex Court in the case of **Raj Kumar Arora's case (supra)** observed that unnecessary benefit of exception under NDPS Act should not be given to a person who misuses the narcotic drugs or psychotropic substances merely because drugs can potentially be used for medicinal or scientific purposes. Paras no. 60, 61, 98, 102.6, 102.7 and 102.15 (xv) of **Raj Kumar Arora's case (supra)** are being quoted as under;

"60. It is just not enough to prove or establish that the narcotic drug or psychotropic substance is capable of being used for a medical or scientific purpose. That would give unnecessary leeway to persons to indiscriminately deal with narcotic drugs and psychotropic substances under the garb that they could also be potentially used for medical or scientific purposes. Moreover, several of these drugs and substances are inherently of such a nature that they have widespread medicinal and scientific applications. Therefore, an expansive interpretation of the exception that the mere potential for usage of the narcotic drug or psychotropic substance, for medical or scientific purpose, is sufficient would run counter to the object of the Act which seeks to act as a deterrent to the widespread dealing in narcotic drugs and psychotropic substances. What must, therefore, be proved to take the benefit of the exception is that the narcotic drug or psychotropic substances was being dealt in for a specified and real medical or scientific purpose, in the manner and to the extent provided by the provisions of the Act, the rules and orders made thereunder and, in case such provisions imposes any requirement by way of licence, permit or authorisation, in accordance with the terms and conditions of such licence, permit or authorisation.

61. Therefore, if any psychotropic substance mentioned in the Schedule to the Act is being dealt with for a purpose other than medical or scientific purposes, an offence under Section 8(c) of the NDPS Act would be made out. Furthermore, if any psychotropic substance mentioned in the Schedule to the Act is being dealt with for a medical or scientific purpose, but not in accordance with other provisions of the Act, rules, orders or, the terms and conditions of the licence, permit or authorisations, if any, then also, an offence under Section 8(c) of the NDPS Act could be said to have been made out. It is only when the exception is complied with entirely or wholly, that an accused can lay claim to the benefit provided under the said provision.

98. In P. Ramanatha Aiyar's Advanced Law Lexicon, the word derogation is defined as "the partial repeal or abrogation of a law by a later act that limits its scope or impairs its utility and force" It is also stated that the word "derogate" is a term of legislation. "Derogation" is

partial and indirect abrogation i.e., when a subsequent law reduces the force and application of an older law, the character of the subsequent law is technically said to be derogatory. Therefore, the express language employed herein which states that the NDPS Act is not in derogation of the D&C Act leads to the inference that the enactment of the NDPS Act must not in any way be understood to take away the scope of an offence being also made out under the D&C Act. Furthermore, it is also stated that the provisions of the NDPS Act and its Rules "shall be in addition to the D&C Act or the Rules made thereunder. Therefore, in the reverse scenario, i.e., when an offence under the D&C Act is made out or can potentially be made out, the accused can also be charged or prosecuted for an offence under the NDPS Act. Any argument to the contrary would be untenable. This is so because the NDPS Act applies in addition to the provisions of the D&C Act. Inevitably, there may arise situations wherein the substance in question in a particular case falls under the ambit of both the NDPS Act and D&C Act. However, the overlap would not necessarily imply that the application of the provisions of the NDPS Act would be at the cost of exclusion of the provisions of D&C Act, or vice versa. Section 80 of the NDPS Act must be understood in the context and object behind the coming into force of these two legislation i.e., the NDPS Act and D&C Act respectively, and the distinct purposes that they seek to achieve.

102.6. The manufacture of all psychotropic substances mentioned under the Schedule to the Act, and those mentioned under Schedule I to the Rules (provided they are manufactured only for the purposes elaborated under Chapter VII-A), in violation of the conditions of licence of manufacture issued under the D&C Act and its Rules would amount to a contravention of Rule 65 of the NDPS Rules and thereby Section 8 of the NDPS Act itself. In other words, due to the operation of Rule 65, a violation of the condition of licence under the D&C Act read with its Rules would ipso facto tantamount to a violation of the NDPS Act read with its Rules.

102.7. Furthermore, no person shall possess any psychotropic substance, including those mentioned only under the Schedule to the Act for any of the purposes covered by the D&C Rules, unless he is lawfully authorised to possess such substance for any of the said purposes under the NDPS Rules. Therefore, Schedule I substances can be possessed only for the purposes mentioned under Chapter VII-A. All other substances mentioned only under the Schedule to the Act can be possessed for the purposes mentioned under Chapter VII-A and also for the purposes falling under the broad umbrella of "medical or scientific purposes" as mentioned under Section 8 of the NDPS Act. The above is in addition to the fulfillment of the requirements under the D&C Rules.

102.15. (xv). Section 80 states that the provisions of the NDPS Act or the Rules made thereunder shall be in addition to, and not in derogation of the D&C Act and the Rules made thereunder. Therefore,

when an offence under the D&C Act is made out or can potentially be made out, the accused can also be charged or prosecuted for an offence under the NDPS Act or vice-versa. The object sought to be achieved under both the legislations is also distinct i.e. the NDPS Act is a special law enacted to regulate the operations relating to narcotic drugs and psychotropic substances with a view to curb and penalise the usage of drugs by persons for intoxication etc., whereas the D&C Act was enacted to prevent substandard, adulterated and spurious drugs from entering the medical market and to maintain high standards in medical treatment. Hence, offences under both the enactments can also be said to have been constituted simultaneously, where the circumstances so require.

51. From the judgement of **Raj Kumar Arora (supra)**, it is also clear that the violation of the condition of license issued under Drugs and Cosmetics Act and its rule regarding the narcotic drug or psychotropic substance would amount to contravention of Section 8 of NDPS Act itself. In such circumstances, apart from proceeding under Drugs and Cosmetics Act, prosecution under NDPS Act will also be permissible.

52. In view of the above discussion, for claiming the exemption under Entry 35 of the notification dated 14.11.1985 of Government of India, the drug license holder must show that the conditions of licence and other statutory requirements regarding the use of codeine based cough syrup for medicinal purposes have been substantially complied with. Therefore, in case the preparation of codeine (cough syrup) exempted from the definition of 'manufactured drug' is widely misused by transporting, stocking or sale for the purpose of using it as an intoxicant, in that case, benefit of exemption under Entry no. 35 will not be applicable, in view of the judgement of the Hon'ble Apex Court in the case of **Raj Kumar Arora's case (supra)**.

53. The Hon'ble Apex Court in the case of **Hira Singh (supra)** has observed that while determining the quantity of narcotic or psychotropic substance, the weight of the entire mixture has to be taken into consideration. Paras no. 12.2 of **Hira Singh's case** is being quoted as under—

“12.2. In case of seizure of mixture of narcotic drugs or psychotropic substances with one or more neutral substance(s), the quantity of neutral substance(s) is not to be excluded and to be taken into consideration along with actual content by weight of the offending drug, while determining the “small or commercial quantity” of the narcotic drugs or psychotropic substances.”

54. Therefore, in view of the law laid down in **Hira Singh's** judgment (supra) as well as note- 4 of the notification dated 19.10.2001 issued by the Government of India, the entire weight of mixture/ preparation containing the narcotic drug/psychotropic substance is to be considered as a whole for the purpose of determining whether the recovered quantity is small or commercial quantity under the NDPS Act. In such cases, as discussed above, if the total quantity of codeine recovered in the form of codeine-based cough syrup is found to be above 1 kg, which is a commercial quantity as per the table attached to the NDPS Act, the embargo under section 37 of the NDPS Act would be attracted.

55. Therefore, this Court decides the questions raised above in the following manner;

In view of the above analysis, this Court decides the questions raised above in the following manner:

Question No. 1: Whether the codeine-based cough syrup having the permitted quantity of codeine as mentioned in Entry 35 of the Notification dated 14.11.1985 would attract the provisions of the NDPS Act if the same has been sold or transported by the drug licence holder to another drug licence holder or any person for medicinal purposes.

Answer No. 1: Codeine-based cough syrup having permitted quantity of codeine as per Notification dated 14.11.1985 and Notification dated 02.05.2001 of the Central Government will not be treated as a narcotic substance, so long as it is sold or transported for medicinal use.

Question No. 2: Whether the codeine-based cough syrup having the permitted quantity of codeine, though produced as a cough suppressant, but transported, sold or stored for the purpose (like intoxication) other than medicinal use, would attract the provisions of the NDPS Act.

Answer No. 2: Codeine-based cough syrup having permitted quantity of codeine, manufactured or produced as a cough suppressant, if stocked, sold or transported for other purposes (like intoxication) instead of medicinal use, would be treated as a codeine preparation under the category of Manufactured drug and would attract the provisions of the NDPS Act. The entire mixture of syrup shall be treated as codeine in view of the judgment of the Hon'ble Apex Court in Hira Singh's case (supra).

56. However, in view of the question answered as above, it is clarified that if any drug retailer/medical store sells codeine based cough syrup (having permitted quantity of codeine) during routine sale without medical prescription, then it would be treated as a violation of Drugs and Cosmetics Act, not the NDPS Act, unless huge quantity of such cough syrup is sold within very short span of time, which clearly indicates the knowledge of drug retailer regarding its use other than medicinal or scientific purpose.

57. Before proceeding to decide the bail applications, it would be appropriate to mention that at the stage of consideration of regular bail to undertake a meticulous examination of legality of commercial transactions or to record definitive findings on the basis of competing claims which is to be tested during trial.

58. In cases involving alleged diversion through layered business arrangements or intermediary entities, the Court is required to adopt a cautious approach, as complex offences pertaining to

narcotics, often employ structured transactions or shell arrangements to distance principal actors from the physical recovery of contraband.

Now coming to the merits of all the bail applications.

59. CrI. Misc. Bail Application No. 418 of 2026 (Bhola Prasad vs State of U.P.).

1. Instant bail application has been filed with a prayer to released the applicant on bail during the trial in Case Crime No.-1191 of 2025, under Sections 318(4), 338, 336(3), 340(2) & 61(2)(a) of the BNS-2023 & Section 27a/29 of the Narcotics Drugs and Psychotropic Substances Act, 1985, Police Station- Robertsganj, District- Sonbhadra.

2. Learned counsel for the applicant Mr. G.S. Chaturvedi, Senior Advocate has submitted that the FIR was lodged with the allegation that, on receiving information, the drug authorities inspected the premises of M/s Maa Kripa Medical as well as M/s Shivichha Pharma in Sonbhadra. They found that, though the firms have a license under the Drugs and Cosmetics Act still, they did not have any document to purchase the New Phensedyl cough syrup from Saili Traders, Ranchi, Jharkhand, which is a proprietorship concern of Bhola Prasad. The neighbours where the two shops were situated also informed that these shops were occasionally opened. The landlord also stated that he let out the shops in question to Maa Kripa Medical and Shivichha Pharma. The proprietor of Maa Kripa Medical, Sri Satyam Kumar, and the proprietor of Shivichha Pharma, Sri Vijay Gupta, informed the authorities that they purchased 7,53,000 bottles of New Phensedyl cough syrup, 100 ml each, from Saili Traders between 01.04.2024 and 23.08.2025.

3. Learned counsel for the applicant further submitted that the applicant is proprietor of Saili Traders, which is a licensed super

stockist under the Drugs and Cosmetics Act. He sold 7,53,000 bottles of the New Phensedyl cough syrup to the firm Maa Kripa Medical as well as Shivichha Pharma. There is no prescribed limit on the quantity of this cough syrup that a super stockist can purchase, sell or stock. It is further submitted that, as per Rule 28A of the Drugs (Price Control) Orders, 2013, issued under the Essential Commodities Act, a super stockist cannot refuse to sell the drugs to any stockist/dealer; such refusal would be a punishable offence u/s 7 of the Essential Commodities Act, 1955. Learned counsel further submitted for the applicant that the State Government had issued an Office Memorandum dated 15.08.2022 prescribing the quantities which any dealer or stockist can store and sell. However, that office memorandum did not provide any limit for the super stockist to store or sell drugs. Subsequently the Allahabad High Court stayed that office memorandum in Writ Petition No. 3749 of 2023 dated 15.02.2023, and the stay continues. It is further submitted that Sections 27(a) and 29 of the NDPS Act have been invoked against the applicant though, there is no evidence that New phensedyl syrup sold by the applicant to the co-accused or any other firm was used by any person as an intoxicant. It is also submitted that though 'codeine' is a contraband under the NDPS Act, codeine-based syrup is not contraband. It is further submitted that Entry 35 of Notification dated 14.11.1985 issued u/s 2(xi)(b) of NDPS Act, 1985 declares manufactured drugs where a narcotic drug mixes with another drug and has a concentration of more than 2.5% in 100 ml of preparation. However, in the New phensedyl syrup, there is only 0.2% codeine; therefore, it will not come within the definition of a manufactured drug. He further submitted that between 01.04.2024 and 23.08.2025, the applicant's firm purchased 3,87,000 bottles, each of 100 ml of phensedyl from manufacturer 'Appt Health Care Company' and sold them to different license holders. It is also submitted that after selling the aforesaid bottles to the co-accused

Maa Kripa Medical as well as Shivichha Pharma, proper GST bill was also issued, and duty for transporting the same was of the purchasing firm, not of the applicant's firm.

4. Learned counsel for the applicant also submitted that the applicant is a wholesale drug supplier being a licence holder issued in Form 21-B under Rule 61(2) of the Drug Rules, and this licence was valid from 06.10.2023 to 05.10.2028. The applicant was authorised to sell, stock or exhibit the drugs specified in Schedule-C and Schedule-C1, and another licence was issued in Form-20B, entitling him to sell, purchase or stock all drugs including codeine -based cough syrup like New Phensedyl. It is further submitted that at the time of selling all the Phensedyl syrup in question, the applicant was having a valid licence therefore the sale is deemed to be valid. The Drug Department had cancelled the licence of the applicant on 12.11.2025, which is after the registration of the FIR.

5. It is further submitted that though the State is alleging the sale of New Phensedyl cough syrup in violation of the condition of the drug licence of the applicant but till date the State has not filed any complaint under the Drugs and Cosmetics Act for the violation of the condition of the licence under the Act and Rules therein.

6. It is further submitted that during investigation, statements of the owners of truck numbers MH-04-HP-2911 and NL-03-A-4157 were also recorded, wherein they have stated that they loaded medicines from the godown of Saili Traders, Ranchi, Jharkhand and transported them up to the godown at Varanasi. Thereafter, the other parties took delivery from the Varanasi godown, but none of them stated the exact names of the medicines loaded in the truck from the godown of Saili Traders. Mr Gopal Chaturvedi further submitted that even the owner of Maa Kamakhya Air Cargo has clearly stated that he transported the New Phensedyl syrup from Ranchi up to Varanasi godown and the e-way bill

destination was mentioned as Varanasi and he was charged up to Varanasi; subsequently, the delivery of the same was taken by a different person from Varanasi. Therefore, these statements contain no incriminating material against the applicant.

7. It is further submitted that there is no evidence regarding the allegation that the applicant has diverted the Phensedyl cough syrup instead of sending it to Sonebhadra. It is also submitted that, as to the allegation of using two different Aadhaar Cards, the correct fact is that, while applying for the drug license and while registering the proprietorship for GST, the applicant provided an Aadhaar Card with a Ranchi address. Thereafter, GST registration was issued on 20.09.2023, and the drug licence was also issued on 06.10.2023. After obtaining GST registration, the applicant opened a bank account in Varanasi in his name, based on his Aadhaar card showing his Varanasi address, as he had shifted to Varanasi. Therefore, the applicant has not committed any forgery in the Aadhaar card because the applicant's name and father's name were the same, except for the change in address upon shifting from Jharkhand to Varanasi. It is also submitted that the GST registration application and the drug license also mentioned the business address as Ranchi.

8. It is further submitted that it is specifically pleaded in paragraph-28 of the bail application that the applicant was having a valid licence at the time of selling the Phensedyl in question and the State did not deny this fact in its Counter Affidavit.

9. Learned Additional Advocate General vehemently opposed the prayer and submitted that New Phensedyl cough syrup bottles containing 0.2% codeine cannot be sold in the open market. A drug-licensed dealer or retailer can sell it on a medical prescription or to another drugs license dealer/retailer to deal with it for medicinal purposes. The drug-licensed firms Maa Kripa Medical and Shivichha Pharma were found to be non-existent, as

they were not engaged in any business; they could not produce any purchase documents for phensedyl cough syrup, and they obtained the license from the drug authority based on forged documents. He further submitted that during the investigation, the police also found that the present applicant, Bhola Prasad, was also involved in diverting the New phensedyl bottles in violation of the Drugs Rules as well as the NDPS Act.

10. The learned Additional Advocate General has submitted that though it has been shown that the applicant-firm has transferred 3,66,000/bottles for Rs. 5,39,92,728/ to Maa Kripa Medical, Sonbhadra, and 3,87,000 bottles for Rs. 6,06,48,438/-, thereafter, these two firms (hereinafter will be referred as B-layer firms) further sold the entire stock of Phensedyl to C-layer firms, i.e., Dilip Medical, Bhadohi, Ayush Enterprises, Bhadohi, and Sanaya Medical. He further submitted that whatever amount the C-layer firms transferred to the B-layer firm's account, the entire amount was then credited to the applicant firm's account. During the investigation, the police also found that the C-layer firms did not receive any consignment of Phensedyl cough syrup as allegedly sold by the B-layer firm, nor did they have any documents to show receipt of the same or its sale to any other person. Despite this, the three C-layer firms transferred huge amounts to the B-layer firm's account, and subsequently, the B-layer firms transferred those amounts to the applicant's firm. AAG Mr Trivedi further submitted that a huge amount was deposited in the accounts of the C-layer firms, including cash deposited by different persons who were not dealing in the business of medicines, but were selling flowers or plastic items.

11. The learned AAG also submitted that three persons, namely, Amit Jaiswal, Prashant Kumar and Shubham Jaiswal, are competent persons of Saili Traders, and they have further issued experience certificates to different persons to open fake firms

dealing in medicines without any actual business. The applicant has explained only 3 cases out of the 7 criminal cases registered against the applicant at the time of filing the present bail application. Therefore, the bail application also deserves to be rejected on this ground, in view of the mandatory provision contained in Chapter XVIII, Rule 18(7) of the Allahabad High Court Rules, 1952.

12. Mr Anoop Trivedi, learned Additional Advocate General representing the State, has submitted that E.D. also recovered signed blank cheques of 63 medicine firms including M/s. Maa Kripa Medical and M/s. Shivichha Pharma from the office of the applicant, and panchnama was duly executed in the presence of two private witnesses, which is also part of the case diary. This shows that the present applicant was actually controlling the firm Maa Kripa Medical and M/S. Shivichha Pharma, though they were registered in the names of the applicant's men, who are residents of Varanasi. Mr Trivedi further submitted that the e-way bills recovered from the firm of the applicant show that the consignment of Phensedyl was to be delivered at Sonebhadra to Maa Kripa Medical and M/s. Shivichha Pharma, but as per the toll plaza traceability, nothing was transported to Sonebhadra; instead, it was transported to Varanasi, from where it was further transported to different places to deal in the illegal practice of intoxicants. Above facts show that the applicant was running a syndicate to sell codeine-based cough syrup in the open market so that it could be used as an intoxicant instead of a medicine

13. The learned Additional Advocate General further submitted that, from the statement of Tayyab (the truck driver of UP-16-KT-5144, mentioned in E-way bill generated for transporting the bottles of New Phensedyl from the applicant's firm to Sonebhadra for Maa Kripa Medical and M/s. Shivichha Pharma), it is evident that the applicant transported cough syrups from Ranchi to a

godown at Varanasi, and then by truck from Varanasi to Dhanbad. After unloading the cough syrup at Dhanbad, the truck was reloaded with scrap, which was delivered to a paper mill in Ramnagar. This indicates that the Phensedyl, which was supposed to be transferred to Sonebhadra, was instead unlawfully transported to other locations via Dhanbad. The learned Additional Advocate General also submitted that several bottles of Phensedyl, purchased by the applicant's firm and meant for transfer to Sonebhadra, were recovered in Purnia district, Bihar. Furthermore, it was submitted that the Experience Certificate and other documents on which the applicant obtained the drug licence in the name of Saili Traders were found to be forged. Consequently, the licence was cancelled because the address and phone number were incorrect, in addition to the Experience Certificate. It was also submitted that Phensedyl bottles purchased by the applicant's firm from its manufacturer and allegedly sold to different firms, were recovered in Siliguri and Agartala, even though the e-way bills indicated that these bottles were to be sent to Sonebhadra.

14. It was further submitted by learned Additional Advocate General that the competent person of the firm of the applicant, Shubham Jaiswal, used to supply the Phensedyl syrup to Bangladesh to one Zubair Husain Shekh, who admitted this fact in his statement. During investigation, several non-existing proprietorship firms were found in District Bhadohi, such as Rajendra Sons, whose proprietor is Anshika Gupta, wife of Vijay Kumar Gupta, who was the proprietor of Shivichha Pharma situated at Sonebhadra. It is further submitted that the firms Dileep Medical and Ayush Enterprises, which are alleged to have received the consignment of Phensedyl from Maa Kripa Medical and M/s. Shivichha Pharma, were found to be fictitious, not engaged in any trade or business, and did not show any documents for further transporting the new Phensedyl cough

syrups purchased from Maa Kripa Medical and M/S. Shivichha Pharma, and same person Dileep Kumar was the proprietor of both these firms. He further submitted that the third firm, Sanaya Medical, was being run by Zeenat Bano, to whom the Experience Certificate was given by none other than the proprietor of Dileep Medical and Ayush Enterprises. It is further submitted that several materials in the case diary show that the applicant's proprietorship concern was involved in transporting New Phensedyl cough syrup to forged firms at Mughalsarai, Varanasi, Ghazipur and Jaunpur.

15. In reply to the aforesaid submissions of the State, Sri Gopal Swarup Chaturvedi, learned Senior Advocate for the applicant, has submitted that the statements relied upon by learned Additional Advocate General are not admissible in the present case, as the investigating agency recorded these statements in different case crime numbers. It is further submitted that merely changing the address in the Aadhaar Card will not make it forged, as alleged by the State. He further submitted that the drug licence of the applicant was not cancelled on the ground that he used a forged Aadhaar Card, but on the ground that the applicant was involved in the offence under the NDPS Act. It is also submitted by learned Senior Advocate that there is no illegality in forming the proprietorship concern in the name of relatives, as the same is valid to get the tax benefit.

16. It is also submitted that the allegation of the State that the firm of Layer-B did not have any godown, where Maa Kripa Medical and M/s. Shivichha Pharma are concerned, is also misconceived, as for dealing in the business of dealership of any goods, there is no requirement to establish a godown, as after taking delivery, the same has been sold to other firms through the same transport. It is further submitted that the applicant has not recovered any illegally transported syrup from the firm Maa Kripa Medical and M/S. Shivichha Pharma, or of the cough syrup transferred by Maa

Kripa Medical and M/s. Shivichha Pharma to other firms. Therefore, there is no evidence that the applicant is involved in the illegal practice of supplying the codeine based cough syrup for intoxication rather than for the medical purpose for which Phensedyl is produced. It is lastly submitted that the blank signed cheques recovered from the firm of the applicant were security cheques given by Maa Kripa Medical and M/S. Shivichha Pharma to firms involved in business dealings with the applicant.

17. I have considered the submissions of counsel for the rival parties and perused the record.

18. It is not in dispute that the applicant is proprietor of Saili Traders, Ranchi (Jharkhand) and one Shubham Jaiswal, who is also son of the applicant is competent person of Saili Traders and applicant's proprietorship concern also has license under drugs and cosmetics Act as super stockist of medicines. The firm of the applicant can stock, transport or sale the medicines to others drug dealers. This fact is also not in dispute that the firm of the applicant sold 3,66,000/- bottles of new phensedyl cough syrup to Maa Kripa Medical, Sonbhadra and 3,87,000/- bottles of new phensedyl cough syrup to M/s. Shivichha Pharma, Sonbhadra. E-way bill was also generated for transporting of above consignment from Saili Traders to above firms situated at Sonbhadra. It is also admitted to both the parties that the 100 ml bottles of new phynsedyl cough syrup contains each: (1) Codeine Phosphate- 10 mg, (2) Chlorpheniramine maleate- 4mg and entire mixtures is in the form of syrup. Therefore, new phensedyl cough syrup is codeine preparation which has permitted quantities of codeine as per the Entry 35 of the Notification of Central Government dated 14.11.1985.

19. The purchasers of M/S Maa Kripa Medical and Shivichha Pharma have admitted to purchase the new phensedyl cough syrup total 7,53,000/- bottles of new phensedyl cough syrup but at

the time of inspection both the firms could not produce any documents showing any purchase order or receipt of receiving of the consignment at Sonbhadra and both the proprietorship firms also admitted to sell the entire stock of purchased new phensedyl as mentioned above to Dileep Medical, Bhadohi, Ayush Enterprises, Bhadohi and Sanaya Medical, Bhadohi. It is clear that M/S Maa Kripa Medical and Shivichha Pharma after receiving the sale consideration of 7,53,000 bottles from Dileep Medical, Ayush Enterprise and Sanaya Medical, transferred the entire amount except keeping of Rs.25000, with him.

20. The material in the case diary shows that Dileep Medical, Ayush Enterprises and Sanaya Medical did not further sell the aforesaid purchased phensedyl bottles nor they had stock of the purchased bottles of cough syrup and huge cash amount was deposited in the account of these three firms by different persons, who were found to be not concerned with the business of medicines. Some of them were having shops of plastic articles and beauty parlors etc. The fact of non-receiving of consignment of purchased phensedyl bottles at Sonbhadra at the shop of M/s Maa Kripa Medical and M/S Shivichha Pharma have also denied by landlord of two shops and it is also not in dispute that the both the firms Maa Kripa and Shivichha Pharma did not have any godown except two shops. Transporter/owner of the trucks mentioned in the E-Way Bill regarding transporting the 7,53,000/- of phensedyl cough syrup from Saili Traders to Sonbhadra also denied the transporting the same at Sonebhadra. It was also found that actually huge stock of new phensedyl cough syrup bottles was transported from Ranchi to Varanasi as well as Ranchi to Dhanbad and subsequently large stock of bottles sold by the applicant to Maa Kripa and Shivichha Pharma was recovered by the police in Purnia district of Bihar during illegal transportation and co-accused Jubai Hussain was arrested in Bihar while involving in illegal transporting of new phensedyl

bottles admitted the fact that he received consignment of codeine cough syrup at the instruction of applicant's firm for transporting to Bangladesh for intoxication. Though confessional statement is generally not admissible but in view of the judgement of the Apex Court in the case of **Baburao Bajirao Patil vs State of Maharashtra; 1971 (3) SCC 432** as well as in the case of **Devender Pal Singh vs State of N.C.T. of State of Delhi; 2002(5) SCC 234**, confessional statement, if proved, is relevant in the conspiracy under Section 30 of the Evidence Act. It was also revealed that Enforcement Director while raiding the proprietorship of the applicant has also recovered several blank signed cheques of Maa Kripa and Shivichha Pharma. It is clear from the case diary that the landlord of the shop of Maa Kripa and Shivichha Pharma both the firm never stocked any medicine and he never found any unloading or loading the medicine from the shop of these two firms. It is also clear from the material available in case diary that the firm Maa Kripa and Shivichha Pharma could not produce any document regarding sale and purchase of medicines, which shows that these firms are running on paper without actual business. Above fact shows that the transportation of 5,53,000 bottles of new phensedyl cough syrup was *prima facie* appears to be diverted and then transported for the purpose other than medicinal use. Apart from the present case applicant's proprietorship concern also found to be involved in diversion and transporting the codeine based syrup in huge quantity in other cases also.

21. This Court already observed in the preceding paragraphs of the judgment that if huge quantity of codeine cough syrup is sold or transported for any other purpose than the medicinal use then it should be treated as narcotic drug being codeine preparation and he will not be entitled to get the benefit of exemption granted Entry 35 of the notification dated 14.11.1985 and same would be

punishable under NDPS Act. Apart from this applicant has not explained the criminal history of four cases.

22. In view of above, this Court is not inclined to grant bail to the applicant. Therefore, his bail application is **rejected**.

60. Criminal Misc. Bail Application No.44015 of 2025 (Brijmohan Shivhare Vs. State of U.P.) and No.13162 of 2026 (Ram Gopal Dhakad Vs. State of U.P.)

1. Heard Sri Amit Krishna, learned Senior Counsel, assisted by Sri Sukram Pal, learned counsel for the applicant in Criminal Misc. Bail Application No.44015 of 2025 and Ms Pratibha Jaiswal, learned counsel for the applicant in Bail Application No.13162 of 2026, and Sri Anoop Trivedi, learned AAG for the State.

2. Both the bail applications are in the same case crime number and have common facts. These bail applications have been filed with a prayer to release the applicants on bail during the trial in Case Crime No.1054 of 2025, under Sections 8/21/27a/29 NDPS Act and Section 319(2), 318(4), 338, 336(2), 340(2), 61(2)(ka) BNS, Police Station- Robartsganj, District Sonbhadra.

3. As per the prosecution story, two trucks bearing registration No. RG-11JC-1710 and MH-46AR-6826 were intercepted and checked by the police at Sonbhadra, where police found corrugated cardboard boxes carrying chips and namkeen in the trucks. However, upon opening the cardboard boxes, police also found, Eskuf Cough syrups bottles of 100ml each, concealed between packets of chips and namkeen. In both trucks, police found 1,19,675 bottles of Eskuf Cough Syrups manufactured by Laborate Pharmaceuticals India Ltd. The driver of the Truck bearing No. RG-11JC-1710, Hemant Pal, as well as the owner of the truck, namely Brijmohan Shivhare and the driver of the truck bearing No. MH46AR6826, Ram Gopal Dhakard, were arrested.

4. Sri Amit Krishna, Senior Advocate for the applicant (Brij Mohan Shivhare), in Bail Application No.44015 of 2025, has submitted that there is no dispute that the applicant is the owner of both the trucks and that both the trucks were carrying packed cartons of JR Rice India Private Limited, Naya Bazar, New Delhi. It is further submitted that the applicant loaded the same from the Ghaziabad godown on the instruction of co-accused Ram, who had provided the E-way bills and invoices to transport this consignment to Agartala (Tripura). The E-way bills produced by the drivers of the applicant clearly show that the consignment declared as chips and namkeen. When the applicant found that the truck had been standing at Sonbhadra for the last 30 hours, he immediately rushed to Sonbhadra in his own vehicle and reached there on 18.10.2025; however, he was arrested despite showing the E-Way bills and invoices. It is further submitted that the applicant was not aware of the actual contents inside the cartons of namkeen and chips, as the cartons were sealed at the time of loading. Therefore, the applicant has not committed any offence. He has been falsely implicated merely because he owned the trucks carrying cartons of chips and namkeen in which bottles of cough syrup were found. It is also submitted that the cough syrup is produced by its manufacturer, namely Laborate Pharmaceuticals Private Ltd, which has the permitted quantity of codeine. Therefore, it does not fall within the definition of a manufactured drug under the notification dated 14.11.1985 of Government of India. Therefore, provisions of the NDPS Act have been incorrectly invoked against the applicant. It is further submitted that, to invoke the provisions of Section 35 of the NDPS Act, the basic foundational facts must be proved, namely that the applicant was aware that the trucks contained cough syrup having a narcotic drug. In support of his contention, the applicant has relied upon the judgments of the Supreme Court in the cases of **Bhola Singh Vs. State of Punjab** in Criminal Appeal No. 408 of 2006,

Harbhajan Singh Vs. State of Haryana in Criminal Appeal No. 1480 of 2011 (arising out of SLP (Crl.) No. 10543 of 2010 and Manoj Tejaraj Jain Vs. State of Gujarat in Criminal Appeal No. 5179-15181/2024. It is further submitted that cough syrup is not a drug if the same is not transported with the sole purpose of intoxication. Therefore, the provisions of the NDPS Act will not apply to the applicant. The charge sheet has been filed; therefore, police interrogation is unnecessary. Hence, the applicant is entitled to bail.

5. Ms. Pratibha Jaiswal, learned counsel for the applicant in Bail Application No. 13162 of 2026, submitted that the applicant is the driver of the truck bearing registration No.MH-46AR-6826 and he, after loading the consignment on the instruction of the truck owner, based on the E-way bill and invoice, proceeded to transport the same from Ghaziabad to its destination place at Agartala (Tripura). Still, he was stopped at Sonbhadra by the police and, on checking, phensedyl cough syrups were found inside the cartons, though the cartons were packed and sealed. Therefore, the applicant was not aware of the actual contents of the cartons or of the illegal transportation of cough syrup containing a permitted quantity of codeine; accordingly, the provisions of the NDPS Act cannot be invoked against the applicant. She further submitted that the applicant was not aware of the presence of cough syrup inside packed cartons of chips; therefore, the provisions of Section 35 of the NDPS Act would not apply to the applicant, as there is no material against the applicant to establish that the applicant knew the same. Therefore, the applicant is entitled to bail.

6. Per contra, Sri Anoop Trivedi, learned AAG, submitted that the alleged e-way bill was found to be forged, based on which the consignment was transported by the trucks of the applicant. It was also found that several persons, namely Saurabh Tyagi, Vishal

Upadhaya, Shivakant, Susheel Yadav, Shubham Jaiswal, Asif, Washim @ Nanu, Santosh Bhadana, and Abhishek Sharma, were involved in the illegal trade of cough syrup. It was also found that Santosh Bhadana outsourced the transporters and then sent the consignment carrying cough syrup to different places. Still, AAG could not show any evidence that the applicant himself prepared the GST E-Way bill or invoice, or he knew that bottles of cough syrup were concealed inside the cartons of chips and namkeen. Learned AAG also submitted that the mobile number provided by the applicant regarding one Ram, who had given the e-way bill and order to transport the consignment, belongs to Kalam Chakma, resident of Agratala (Tripura).

7. I have heard the submissions of learned counsel for the rival parties and perused the record.

8. It is not in dispute that the applicant (Brijmohan Shivhare) in Bail application No.41015 of 2025 is the owner of trucks No. RG-11JC-1710 and MH-46-AR 6826. However, the applicant (Ram Gopal Dhakard) in Bail Application No.13162 of 2026 is the driver of the truck no. MH46AR 6826. These trucks were intercepted and checked by the police in Sonbhadra, while they were transporting corrugated card board cartons of namkeen and chips on the basis of E-way bill and invoices showing transportation from New Delhi to Agartala. But on checking these cartons, 1,90,676 bottles of codeine cough syrup(ESKUF) concealed between the chips and namkeen were found, and it is also not in dispute that at the time of inspection, the applicants had shown the E-way Bill and invoices of the consignment loaded in the above two trucks and all the cartons were sealed. Though, subsequently, it was found that the applicants have loaded the above cartons in both the trucks from Ghaziabad and E-way Bills handed over by the applicants were generated by one person Kalam Chakma of Agartala. On perusal of recovery video placed

before the Court by I.O. of this case, it is clear that all the above cartons were sealed and the transporter cannot be presumed or guessed that the cartons were containing codeine based cough syrup bottles concealed between the namkeen and chips. Therefore, possession of codeine based cough syrup in the above two trucks inside the cartons of namkeen and chips cannot be said to be consciousness possession on the part of truck owner or driver in view of judgement of the Apex Court in the case of *Bhola Singh Vs. State of Punjab* in Criminal Appeal No. 408 of 2006, *Harbhajan Singh Vs. State of Haryana* in Criminal Appeal No. 1480 of 2011 (arising out of SLP (Crl.) No. 10543 of 2010).

9. Considering the above facts and circumstances and keeping in view the nature of offence, evidence, complicity of accused and also taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC Online SC 3038** as well as guideline of this Court in the case of **Maya Tiwari vs State of U.P.** reported in **2024 SCC Online All 6765** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant are entitled to be enlarged on bail.

10. Let the applicants- **Brijmohan Shivhare and Ram Gopal Dhakad** involved in the aforementioned crime be released on bail, on their furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned.

11. The applicant shall be released on bail as per the conditions mentioned at the tail end of this judgment.

61. Criminal Misc. Bail Application No. 18028 of 2026 (Vinod Verma Vs. State of U.P.) and No. 20249 of 2026 (Sanskar Verma Vs. State of U.P.)

1. Heard learned counsel for the applicant and learned AAG for the State.
2. Both the bail applications arise from the same case crime number and have common facts, therefore, the same is decided by this common order.
3. These bail applications have been filed with a prayer to release the applicants on bail during the trial in Case Crime No. 1054 of 2025, under Sections 319(2), 318(4), 338, 336(3), 340(2), 61(2) (A) of BNS, 2023 and Section 8/21, 27A/29 NDPS Act, Police Station Robertsganj, District Sonbhadra.
4. Rejoinder affidavit dated 03.07.2026 filed by the learned counsel for the applicant in Criminal Misc Bail Application No.18026 in response to the counter affidavit filed by the State, is taken on record.
5. Supplementary counter affidavit dated 25.07.2026 filed on behalf of the State is taken on record.
6. Learned counsel for the applicant in Criminal Misc. Bail Application No.18028 of 2026 does not propose to file any rejoinder thereto.
7. Supplementary affidavit dated 12.08.2026 filed by the learned counsel for the applicant in criminal Misc. Bail Application No.18028 of 2026 is also taken on record.
8. Heard Sri Manish Tiwary, learned Senior Advocate, assisted by Sri Atharva Dixit and Ms Shreyanshi Upadhyay and Sri Ajay Kumar, learned counsel for the applicants and Sri Anoop Trivedi, learned AAG for the State.
9. Learned counsel for the applicants has submitted that, as per the prosecution story, two trucks, as mentioned in the FIR, were stopped and searched by the police at Sonbhadra and, based on information received from the truck owner and drivers, the police

raided Nandgram, Ghaziabad, where police received information that several persons were involved in the illegal trafficking of codeine-based cough syrup for intoxication and based on the information, the police raided the premises of one Vanya Enterprises, a proprietorship concern of Vishal Upadhyay, and, on checking the documents of Vanya Enterprises, investigating agency found that Vanya Enterprises, after purchasing Eskuf codeine-based cough syrup from Laborate Pharmaceuticals India Ltd., had sold 1,14,850, bottles to the firm of the applicant, which is known as Om Sai Pharmaceutical, Prayagraj, and some bottles bearing same batch numbers were also recovered from Malda, West Bengal. On that ground alone, the applicants have been falsely implicated.

10. Learned counsel for the applicants has submitted that it is not in dispute that the applicants are partners in Om Sai Pharmaceutical, Prayagaraj ,which is a drug license holder as a wholesaler under the Drugs and Cosmetics Act, 1940, and that had purchased 1,14,850 bottles from Vanya Enterprises, which were further sold by the applicant to City Med ,Mirzapur, which is also a proprietorship concern having a drug licence to sell, stock, and purchase drugs. It is further submitted that in one batch, more than 90,000 bottles are produced by the manufacturer. Merely because some bottles of the same batch have been recovered at Sonbhadra, allegedly to be used as an intoxicant, is not sufficient to establish that the cough syrup bottles are the same as those purchased by the applicant from Vanya Enterprises. Therefore, there is no material against the applicant. It is further submitted that the applicant has explained the criminal history of one case in the accompanying affidavit. It is further submitted that the charge sheet has been filed in the present case; therefore, custodial interrogation is not required. If bail is granted, the accused will not misuse their liberty and will cooperate in the trial proceedings.

11. Per contra, learned Additional Advocate General has vehemently opposed the prayer for bail and submitted that though the applicant generated an e-way GST bill for transporting 1,14,850 bottles of Eskuf cough syrup from Saili Traders to applicants' firm but the truck mentioned in the GST e-way bill was never transported to the firm of the applicant at Prayagraj. It was diverted elsewhere for a purpose other than medicinal use. It was further submitted by learned AAG that during the investigation, the applicants informed that their firm had further sold the purchased Eskuf cough syrup to City Meds, Mirzapur. There is also an entry of Rs. 76,54,653/- in the applicant's account from City Meds, Mirzapur, out of which Rs. 71 lakhs were deposited in cash. It is further submitted that during the investigation, it was also found that an e-way GST bill was generated for transporting Eskuf cough syrup from the applicant's firm to City Meds, Mirzapur.

12. I have considered the submissions of learned counsel for the rival parties and perused the record.

13. From the record, it is not in dispute that the firm of the applicant, M/s Om Sai Pharmaceutical, Prayagraj, purchased 88,750 bottles of Eskuf cough syrup (having the permitted quantity of codeine sulphate) on 27.09.2025, bearing batch no. PEKSL136, 15,600 bottles of Eskuf syrup on 14.10.2025, bearing batch no. PEKSL138, and 10,500 bottles of Eskuf syrup, bearing batch no. PEKSL140, on 14.10.2025, totalling 1,14,850 bottles, from Vanya Enterprise, Ghaziabad. During the inspection of two trucks at Sonbhadra, 15,000 bottles of Eskuf syrup of batch no. PEKSL136, 29,400 bottles of Eskuf syrup of batch no. PEKSL138, and 15,275 bottles of Eskuf syrup of batch no. PEKSL140 were recovered on 18.10.2025 by the police from the cartons loaded in the trucks.

14. As per the record, the firm of the applicant, Om Sai Pharmaceutical, is having a drug licence as a stockist and dealer

of medicines, and they have sold 1,14,850 bottles to City Med Mirzapur. The record also shows that Rs. 76,54,653/- was deposited in the account of the proprietorship firm of the applicants by City Med Mirzapur regarding the supply of codeine syrup by the applicant's firm to City Med, Mirzapur.

15. It is not in dispute that a particular batch number may have up to 90,000 bottles of cough syrup. Though, the recovery of some of the bottles having batch numbers similar to those of the purchases made by the applicants firm at Sonbhadra ,cannot be presumed to mean that the recovered bottles actually belonged to the applicants, as the applicant had purchased only a very small part of batch no.PEKSL-136,138 and 140. Merely recovering 15,000 bottles of batch no.PEKSL136,29500 of batch no.PEKSL138 and 1540 bottles of batch no.PEKSL140, itself is not sufficient to presume that these bottles were the same as those purchased by the applicants.

16. The State could not brought on record any other material showing that the applicants' had sold or transported the purchased codeine cough syrup for the purpose of intoxication. Therefore, this Court is inclined to release the applicant on bail keeping in view the nature of offence, evidence, complicity of accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC Online SC 3038** as well as guideline of this Court in the case of **Maya Tiwari vs State of U.P.** reported in **2024 SCC Online All 6765** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicants are entitled to be enlarged on bail.

17. Let the applicants- **Vinod Verma and Sanskar Verma** involved in the aforementioned crime be released on bail, on their

furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned.

18. The applicant shall be released on bail on the conditions mentioned at the tail end of this judgment.

62. CRIMINAL MISC. BAIL APPLICATION No. 18114 of 2026
(Devesh Jaiswal @ Divesh Jaiswal Vs. State of U.P.)

1. Heard Sri Udai Karan Saxena, learned Senior Counsel, assisted by Ms Divya Yadav, counsel for the applicant and Sri Anoop Trivedi, learned Additional Advocate General for the State and perused the records.

2. The instant bail application has been filed with a prayer to release the applicant on bail during trial in Case Crime No. 571 of 2025, under Section 318(4), 338, 336(3), 340(2), 61(2) BNS and Section 8/9va/21/27(A)/29 of NDPS Act, Police Station Mugalsarai, District Chandauli.

3. As per the prosecution story mentioned in the FIR, three firms, namely Samridha Enterprises, Chaubey Distributor and S.P. Firms, were inspected by the Drugs Department, and the concerned officer found that these firms did not exist and no stock was found. During the investigation, it was found that the present applicant, the proprietor of M/s D.S.A. Pharma at Varanasi, was working as a handler of Shiv Traders and used to deposit money into the account of Shiva Enterprises. It is further submitted that the proprietor of Shiva Enterprises, Kishan Lal Yadav, also stated that the applicant is actually operating these firms, and during the investigation it was also found that Devesh Jaiswal was instrumental in creating the fake firms; one blank cheque of Shiva Enterprises was found in the office of Shaili Traders.

4. Counsel for the applicant submitted that the applicant was implicated in Case Crime No.235 of 2025, Police Station- Kotwali,

District Varanasi, and thereafter he has been falsely implicated in the present case. However, the applicant has no concern whatsoever with the present case. It is further submitted that there is no material showing that the applicant has deposited any amount in the account of M/s Shiva Traders, and also no evidence regarding the quantity of the amount which the applicant has deposited in the bank account of M/S Shiva Traders; therefore, the applicant is entitled to be released on bail. The applicant has explained the criminal history of three cases. It is further submitted that the charge sheet has been filed in the present case; therefore, there is no requirement of custodial interrogation. The applicant is a law-abiding citizen, and he has been languishing in jail since 18.04.2026. If he is granted bail, he will not misuse his liberty and will cooperate in the trial proceedings.

5. Learned Additional Advocate General for the State has submitted that the present applicant was actually working as a handler to deposit the cash and to open fake pharma firms on behalf of the Shaili Traders. It is further submitted that it is clear from the statement of one Kishan Lal, who was shown to be the proprietor of Shiva Enterprises, that the applicant created M/s Shiva Enterprises and also opened an account in the Bank. The applicant had also taken the cheque book issued to him after getting it signed and assured to give Rs. 12,000/- per month to the applicant. It is further submitted that Kishan Lal admitted that he used to sell flower garlands in Varanasi and was unemployed. The present applicant deposited crores of rupees in the account of Shiva Enterprises; therefore, the applicant was working as a handler for Shaili Traders and is not entitled to bail. He also submitted that, based on a bogus firm, he also issued several forged certificates to open fake firms. It was also submitted that proprietors of several firms have also stated that the present applicant has created forged transportation bills.

6. I have considered the submissions of learned counsel for the rival parties and perused the record.

7. In the present case, the allegation against the applicant is that he was handler of Shiva Enterprises and he used to deposit money in the account Shiva Enterprises. The proprietor of Shiva Enterprises, Kishan Lal also stated in his statement that though he was shown to be proprietor of Shiva Enterprises but actually this firm was opened by the present applicant, but except the statement of Kishan Lal, there is no other material that the applicant has opened the firm Shiva Enterprises and also there is no material showing the exact amount ,deposited by the applicant in the account of Shiva Enterprises and there is no other material showing the involvement of the applicant regarding the handling the cash of the Shiva Enterprises or involvement in illegal trafficking of codeine cough syrup coupled with the fact that charge sheet has already been, therefore, there is no requirement for custodial interrogation and keeping in view the nature of offence, evidence, complicity of accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC Online SC 3038** as well as guideline of this Court in the case of **Maya Tiwari vs State of U.P.** reported in **2024 SCC Online All 6765** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

8. Let the applicant- **Devesh Jaiswal @ Divesh Jaiswal** involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned.

9. The applicant shall be released on bail on the conditions mentioned at the tail end of this judgment.

63. CRIMINAL MISC. BAIL APPLICATION No. - 14351 of 2026
(Divesh Jaiswal Vs. State of U.P.)

1. Heard Sri Udai Karan Saxena, learned Senior Counsel assisted by Ms. Divya Yadav, counsel for the applicant and Sri Anoop Trivedi, learned Additional Advocate General for the State and perused the records.

2. The instant bail application has been filed with a prayer to release the applicant on bail during trial in Case Crime No. 377 of 2025, under Sections 318(4), 338, 336(3), 340(1), 208(b), 61(2) BNS and Section 26(d)/29/8(c)/21(c) of NDPS Act, Police Station Adalhat, District Mirzapur.

3. Counsel for the applicant submitted that the applicant was not named in the FIR wherein the allegation has been made that one Akshat, who is the proprietor of M/s. A.K. Distributor, had purchased the bottles of cough syrup from Shaili Traders, but on inspection, no document was shown regarding the actual purchase from Shaili Traders; thereafter, on the basis of the confessional statement of Akshat Yadav, the name of the applicant has been implicated in the present case. Akshat Yadav has stated that Devesh Jaiswal formed the pharma firm M/S A.K. Distributor in him as proprietor in exchange for money, as well as a commission of Rs. 2 for each bottle of 100 ml codeine cough syrup. It is further submitted that except the confessional statement of co-accused Akshat Yadav, there is no material against the applicant. The applicant has been falsely implicated in the present case. The charge sheet has been filed in the present case; therefore, there is no requirement of custodial interrogation. The applicant is a law-abiding citizen, and he has been

linguishing in jail since 18.04.2026. If he is granted bail, he will not misuse his liberty and will cooperate in the trial proceedings.

4. Learned Additional Advocate General for the State has submitted that as per the statement of Akshat Yadav as well as statement of Ajit Yadav (applicant in bail Application no.14549 of 2026), it is clear that actually the applicant has formed forged firm as M/s A.K. Distributor showing Akshat Yadav as proprietor and M/s Nihal Distributor showing Ajit Yadav as proprietor with a promise to provide them commission on the sale of bottle of codeine cough syrup. It is further submitted that the present applicant was not only instrumental in forming these firms, and proprietors of these firms could not show any document regarding any sale or purchase of codeine cough syrup in those firms. Only money was deposited by the applicant in these firms without any business. He was working as a handler for Amit Jaiswal, who was the competent person of Shaili Traders. It is further submitted that, while forming these firms, the proprietors submitted forged documents. The co-accused also stated that Devesh Jaiswal committed the entire offence. Therefore, the applicant is not entitled to bail.

5. I have considered the submissions of learned counsel for the rival parties and perused the record.

6. In the present case the allegation against the applicant is that he formed a firm, namely, M/s A.K. Distributors, in the name of Akshat Yadav and M/s A.K. Distributors purchased the codeine-based cough syrup from Saili Traders, but at the time of inspection, no document could be produced by M/s A.K. Distributors regarding the purchase, sale or stock of the above mentioned codeine-based cough syrup. Therefore, M/s A.K. Distributors helped Saili Traders in diverting the codeine-based cough syrup for the purpose of intoxication and there is also the allegation against the applicant, that he deposited money in the

account of M/s A.K. Distributors. In the present case, except the statement of Co-accused Akshat Yadav, there is no material against the applicant regarding the formation of M/s A.K. Distributors as well as depositing the money on behalf of Amit Jaiswal, who is the competent person of Saili Traders and keeping in view the nature of offence, evidence, complicity of the accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC OnLine SC 3038** as well as guideline of this Court in the case of **Maya Tiwari Vs. State of U.P., 2024 SCC Online All 6765** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail. Accordingly, the present application is **allowed**.

7. Let the applicant- **Divesh Jaiswal**, involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two sureties each in the like amount.

8. The applicant shall be released on bail on the conditions mentioned at the tail end of this judgment.

64. CRIMINAL MISC. BAIL APPLICATION No. - 14549 of 2026
(Divesh Jaiswal Vs. State of U.P.)

1. Heard Sri Udai Karan Saxena, learned Senior Counsel assisted by Ms. Divya Yadav, counsel for the applicant and Sri Anoop Trivedi, learned Additional Advocate General for the State and perused the records.

2. The instant bail application has been filed with a prayer to release the applicant on bail during trial in Case Crime No. 378 of 2025, under Sections 318(4), 338, 336(3), 340(1), 208(b), 61(2)

BNS and Section 26(d)/29/8©/21© of NDPS Act, Police Station Adalhat, District Mirzapur.

3. Counsel for the applicant submitted that the applicant was not named in the FIR wherein the allegation has been made that one Ajit Yadav, who is the proprietor of M/s. Nihal Distributor had purchased the bottle of cough syrup in huge quantity from Shaili Traders, but on inspection, no document was shown regarding the actual purchase from Shaili Traders; thereafter, on the basis of the confessional statement of co-accused Ajit Yadav, the name of the applicant was implicated in the present case. Ajit Yadav stated that applicant formed the firm M/s Nihal Distributor showing him as proprietor in exchange for money, as well as a commission of Rs. 2 lac for each bottle of 100 ml codeine cough syrup. It is further submitted that, except the confessional statement of co-accused Ajit Yadav, there is no material against the applicant. He has been falsely implicated in the present case. It is further submitted that the charge sheet has been filed in the present case; therefore, custodial interrogation is not required. The applicant is a law-abiding citizen, and he has been languishing in jail since 18.04.2026. If he is granted bail, he will not misuse his liberty and will cooperate in the trial proceedings.

4. Learned Advocate General for the State has submitted that as per the statement of co-accused Ajit Yadav (Proprietor of Nihal Traders) as well as statement of Akshat Yadav (applicant in bail Application no.14351 of 2026), it is clear that actually the applicant has formed forged firms M/s Nihal Distributor in the name of Ajit Yadav and M/s A.K. Traders in the name of Akshat Yadav, as a consideration of providing them commission on the sale of bottle of codeine cough syrup. It is further submitted that the present applicant was instrumental in forming these firms and there is no document showing any sale or purchase of codeine cough syrup in those firms. Only money was deposited. He was

working as a handler for Amit Jaiswal, who was the competent person of Shaili Traders. It is further submitted that, while forming these firms, the proprietors also submitted forged documents. The co-accused also stated that Devesh Jaiswal committed the entire offence. Therefore, the applicant is not entitled to bail.

5. I have considered the submissions of learned counsel for the parties and perused the record.

6. In the present case the allegation against the applicant is that he formed a firm, namely, Nihal Distributors, in the name of Ajit Yadav and Nihal Distributors purchased the codeine-based cough syrup from Saili Traders, but at the time of inspection, no document could be produced by Nihal Distributors regarding the purchase, sale or stock of the codeine-based cough syrup alleged to have been purchased from Saili Traders and applicant deposited money in the account of Nihal Distributors. In the present case, except the statement of co-accused Ajit Yadav, there is no material against the applicant regarding the formation of Nihal Distributors as well as depositing the money on behalf of Amit Jaiswal, who is the competent person of Saili Traders and keeping in view the nature of offence, evidence, complicity of the accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC OnLine SC 3038** as well as guideline of this Court in the case of **Maya Tiwari Vs. State of U.P., 2024 SCC Online All 6765** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail. Accordingly, the present application is **allowed**.

7. Let the applicant- **Divesh Jaiswal**, involved in the aforementioned crime be released on bail, on his furnishing a

personal bond and two sureties each in the like amount, to the satisfaction of the court concerned.

8.The applicant shall be released on bail on the conditions mentioned at the tail end of this judgment.

65. CRIMINAL MISC. BAIL APPLICATION No. - 39018 of 2025
(Sunil Kumar Vairagi Vs. State of U.P.)

1. Heard Ms. Kusum Mishra, learned counsel for the applicant and Sri Anoop Trivedi, learned Additional Advocate General for the State and perused the records.

2. The instant bail application has been filed with a prayer to release the applicant on bail during trial in Case Crime No. 416 of 2025, under Section 8/21 of the NDPS Act and Section 319(2), 318(4) of B.N.S., Police Station Chunar, District Mirzapur.

3. Counsel for the applicant submitted that the applicant was working as a Khalasi in DCM No. MH 14 HG 0083 and, while transporting bags of paddy straw, was intercepted by the police and, on checking, the bags bottles of Onerex 100 ml cough syrup manufactured by Wingsbiotech LLP were found concealed inside the paddy straw. A total of 8300 bottles(each 100ml) of cough syrup were recovered from the DCM vehicle in question. Counsel for the applicant submitted that the FIR makes it clear that the Driver, as well as the owner of the DCM, were apprehended on the spot during the police raid, and the applicant is a Khalasi. He is not involved in transportation. His work is only to assist the driver and close the DCM's tailgate after loading and unloading; therefore, the applicant has not committed any offence. The applicant is a law-abiding citizen, and he has been languishing in jail since 27.08.2025. If granted bail, he will not misuse his liberty and will cooperate in the trial proceedings.

4. Learned Advocate General for the State has submitted that the racks of codeine syrup bottles of 100 ml each were recovered from the paddy straw bags loaded in the DCM vehicle, wherein the applicant was a khalasi. Therefore, the applicant is responsible for the same, and the aforesaid codeine syrup bottles were being transported for sale other than medical use; therefore, the applicant is not entitled to bail. He further submitted that for the transportation, there was no e-way bill or any other document with the applicant at the time of checking at Chunar. Therefore, the applicant is not entitled to bail.

5. I have considered the submissions of learned counsel for the parties and perused the record.

6. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties, it is not in dispute that the applicant is a helper/khalasi in DCM MH 14 HG 0083, which was transporting bags of paddy straw containing codeine-based cough syrup Onerex. There is no material against the applicant that the applicant, despite being a khalasi, was aware about the actual contents inside the bags of paddy straw, as the same were sealed and loaded by the parties concerned and keeping in view the nature of offence, evidence, complicity of the accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC OnLine SC 3038** as well as guideline of this Court in the case of **Maya Tiwari Vs. State of U.P., 2024 SCC Online All 6765** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail. Accordingly, the present application is **allowed**.

7. Let the applicant- **Sunil Kumar Vairagi**, involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned.

8. The applicant shall be released on bail on the conditions mentioned at the tail end of this judgment.

66. CRIMINAL MISC. BAIL APPLICATION No. - 1298 of 2026
(Ankit Patel Vs. State of U.P.)

1. Heard Ms. Kusum Mishra, learned counsel for the applicant and Sri Anoop Trivedi, learned Additional Advocate General for the State and perused the records.

2. The instant bail application has been filed with a prayer to release the applicant on bail during trial in Case Crime No. 172 of 2025, under Section 8/21 NDPS Act and Section 319(2), 318(4) of B.N.S., Police Station- Dramandganj, District- Mirzapur.

3. Counsel for the applicant submitted that the applicant along with the co-accused was travelling in Car No. HR 19F 8338 which was driven by the applicant.; thereafter, the police intercepted and checked the car. On checking, the police recovered 84 bottles (each 100 ml) of WINCEREX cough syrup manufactured by Wings Pharma. Though the recovered cough syrup had the permitted quantity of codeine phosphate and does not fall within the definition of a narcotic drug, the applicant has been falsely implicated. It is further submitted that the applicant was actually transporting the aforesaid bottles of cough syrup (100 ml) and was not involved in any illegal activity. There is no public witness of aforesaid recovery as well as no compliance of section 50 of NDPS Act as the drug inspector is not the gazetted officer. The applicant has no criminal history. It is further submitted that the charge sheet has been filed in the present case; therefore, custodial interrogation is not required. The applicant is a law-

abiding citizen, and he has been languishing in jail since 15.11.2025. If he is granted bail, he will not misuse his liberty and will cooperate in the trial proceedings.

4. Learned Advocate General for the State has vehemently opposed the prayer for bail and submitted that the applicant was transporting 84 bottles of codeine cough syrup without having any valid document; therefore, the same was being transported for a purpose other than medical use; therefore, the applicant is not entitled to be released on bail.

5. I have considered the submissions of learned counsel for the parties and perused the record.

6. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties, it is not in dispute that only 84 bottles of Wincerex cough syrup were recovered from a car, HR 19 F 8338, wherein the applicant, along with the co-accused, was going. Therefore, considering the small number of bottles of codeine-based cough syrup, which itself is not a manufactured drug, and there is no material that the applicant was transporting the same for intoxication and keeping in view the nature of offence, evidence, complicity of the accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC OnLine SC 3038** as well as guideline of this Court in the case of **Maya Tiwari Vs. State of U.P., 2024 SCC Online All 6765** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail. Accordingly, the present application is **allowed**.

7. Let the applicant- **Ankit Patel**, involved in the aforementioned crime be released on bail, on his furnishing a personal bond and

two sureties each in the like amount, to the satisfaction of the court concerned.

8. The applicant shall be released on bail on the conditions mentioned at the tail end of this judgment.

67. Crl Misc. Bail Application No.17096 of 2026 (Aakash Pathak Vs. State of U.P.)

1. Counter affidavit filed by learned AAG today is taken on record.
2. Heard Sri Anurag Dubey, Advocate assisted by Sri Pavan Kumar, learned counsel for the applicant and Sri Anoop Trivedi, learned AAG for the State.
3. Present bail application has been filed to release the applicant on bail during trial in Case Crime no 623 of 2025 under Sections 8, 21, 26(d), 29 N.D.P.S. Act, Police Station- Sarnath, District Varanasi.
4. Learned counsel for the applicant submitted that the applicant was not named in the FIR, wherein an allegation was made against one Vishnu Pandey, who was the proprietor of M/s P.D. Pharma, which was involved in the sale and purchase of codeine based cough syrup without valid documentation with several other pharma firms. It is further submitted that such firms were created at the behest of co-accused Shubham Jaiswal, who is a competent person in Saili Traders, as well as some other associates of Shubham Jaiswal.
5. Learned counsel for the applicant further submitted that even in the statement of Vishnu Pandey, there was no discussion about the involvement of the applicant, wherein allegations regarding the involvement of one Lokesh Agarwal, Prateek Gujarati and Subham Jaiswal have been made. The applicant's name surfaced in the statement of Faizul Rahman, who was found to have created fictitious firms, M.K. Health Care and J.K. Pharma through

its proprietor Md. Shaif. In his confessional statement, Faizul Rahman said he heard that the applicant, Shubham Jaiswal, and Prateek were involved in trading codeine syrup. Subsequently, the applicant's name surfaced in the statement of co-accused Bhola Prasad, proprietor of Saili Traders, who stated that the applicant was also involved in the business of Saili Traders and created fake firms. Thereafter, the name of the applicant again came up in the statement of Satendra Kumar Sahu, proprietor of Raja Medical, Prayagraj, wherein he stated that the applicant and other accused persons met him and instructed him, on behalf of Saili Traders, regarding the sale, purchase, and dealing of codeine syrup. It is also submitted that except the confessional statement of the co-accused, there is no evidence against the applicant. He has been falsely implicated merely because, in 2022, the applicant registered a proprietorship firm as Med Remedy Life Private Ltd., for which an experience certificate was issued by Subham Jaiswal, who was a competent person in Saili Traders. However, after the knowledge of Shubham Jaiswal's illegal activities, the applicant cancelled the firm's registration on 29.04.2023, and the drug licence was also surrendered on 05.12.2023. Therefore, no material shows that the applicant firm, Medi Remedy Life Pvt Ltd, was ever dealt with in any business regarding codeine cough syrup. The applicant has explained the criminal history of one case in the accompanying affidavit. The charge sheet has been filed; therefore, custodial interrogation is not required.

6. However, learned AAG vehemently opposed the submissions and submitted that the applicant had a close association with the kingpin of illegal traders of codeine cough syrup, Shubham Jaiswal, who is involved in illegal trafficking of the codeine cough syrup on behalf of Saili Traders. It was further submitted that the rent agreement executed at the time of taking the shop for the applicant's firm, M/s Med Remedy Life, was executed by

Shubham Jaiswal, as the shop was opened on the basis of an experience certificate issued by Shubham Jaiswal. It is further submitted that CDR of the mobile phone of the applicant, shows that the applicant was in contact with Shubham Jaiswal; therefore, he was also involved in conspiracy in illegal trade of codeine syrup along with Subham Jaiswal. Therefore, the applicant is one of the parties involved in conspiracy for illegal trade of cough syrup, which is punishable under section 29 of the NDPS Act.

7. I have considered the submissions of learned counsel for the parties and perused the record.

8. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties, it is not in dispute that the applicant initially opened a proprietorship firm, Medremedy Life Care Private Limited, in the year 2022 on the basis of an experience certificate issued by Shubham Jaiswal (competent person of Saili Traders). The applicant cancelled the registration of the firm on 29.04.2023 and the drug licence was also surrendered by the applicant on 05.12.2023, and thereafter the firm of the applicant, Medremedy Life Care Private Limited, did not deal in any business regarding medicines, including codeine cough syrup. There is no allegation made against the applicant in the FIR and the name of the applicant surfaced in the statements of co-accused persons regarding his involvement in illegal trafficking of codeine cough syrup, without being any other material on record and there is no recovery of any incriminating material from the applicant and keeping in view the nature of offence, evidence, complicity of the accused and taking into account the fact that the charge-sheet has already been filed and considering the overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in 2025 SCC OnLine

SC 3038 as well as guideline of this Court in the case of **Maya Tiwari Vs. State of U.P., 2024 SCC Online All 6765** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail. Accordingly, the present application is **allowed**.

9. Let the applicant-**Aakash Pathak**, involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned.

10. The applicant shall be released on bail on the conditions mentioned at the tail end of this judgment.

68. Crl. Misc. Bail Application No. 17810 of 2026 (Vinod Agrawal Vs. State of U.P.)

1. Counter affidavit filed by learned AAG today has been taken on record.

2. Heard Sri Gopal Swaroop Chaturvedi, Senior Advocate, assisted by Sri Aditya Gupta, learned counsel for the applicant and Sri Anoop Trivedi, learned AAG for the State.

3. Present bail application has been filed to release the applicant on bail during trial in Case Crime No.623 of 2025, under Sections 8/21/26(d)/29 of the Narcotics Drugs and Psychotropic Substances Act, 1985 & Sections 61(2), 319(2) 318(4), 338, 336(3), 340(4) & 208 of the BNS-2023, Police Station- Sarnath, District-Varanasi.

4. Learned counsel for the applicant submitted that the applicant being proprietor of M/s Agrawal's Brother, has a license as a stockist to deal with medicine under the Drugs and Cosmetics Act. It is further submitted that the allegations against the applicant are that he purchased 89600 bottles of Eskuf Codeine Syrup from the manufacturer, Laborate Pharmaceuticals India Ltd. and

transferred the same to M.K. Health Care, which was found to be a non-existent. It is further submitted that the applicant has sold 89600 bottles of Eskuf Cough Syrup to M.K. Health Care. It is undisputed that M.K. Health Care have a license under the Drugs and Cosmetics Act to purchase Eskuf Cough Syrup, and the aforesaid transfer of 89600 bottles of 100 ml each of Eskuf syrup to M.K. Health Care, which is duly substantiated with an e-way bill issued by the GST Department; therefore, the applicant has not committed any offence.

5. Learned counsel for the applicant further submitted that merely because six crore has been deposited/ transferred in the account of the applicant by M.K. Health Care, though bill of 89600 bottles shows the amount as two crore, does not make the sale of the cough syrup fictitious, as the remaining amount relates to other medicines supplied by the applicant to M.K. Health Care. The State did not deny this fact in the counter affidavit and also enclosed the invoice for the same. The The police have filed the charge sheet; therefore, there is no requirement for custodial interrogation. The applicant has explained the criminal history of three cases in the accompanying affidavit; therefore, the applicant is entitled to bail.

6. Per contra, learned AAG submitted that though in the ledger of the applicant, the bill of selling 89600 bottles of Eskuf cough syrup has been shown as two crore to M.K. Health Care, but M.K. Health Care transferred six crore to the applicant's account, indicating that the Eskuf syrup was sold at a higher price with the motive of selling it in the open market for intoxication. It is further submitted that the M.K.Health Care firm was found to be fictitious and non-existent. However, the proprietor of the firm is Md. Shaif, it was actually opened by Faizul Rahman at the instance of Shubham Jaishwal and Prateek Gujrati. It is further submitted that the handler of the applicant, Faizul Rahman, further used several

fictitious firms to prepare the forged bill regarding sale and purchase of cough syrup. He further submitted that the truck number shown in the e-way bill regarding the alleged sale of 89600 bottles of cough syrup by the applicant, was found to be incorrect, as the owner as well as the driver of the truck bearing no. UP 78 LN 5793, Sushil Kumar has stated in his statement that he never transported any consignment in the year 2025 to M.K. Health Care. It is also submitted that the cough syrup alleged to be sold by the applicant to M.K. Health Care, of one batch number and several codeine syrup bottles found at different places, were of the same batch number. Therefore, the applicant is not entitled to bail.

7. I have considered the submissions of learned counsel for the parties and perused the record.

8. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties, it is not in dispute that the applicant is a proprietor of Agarwal Brothers, which is a licensed drug stockist, and during the course of business, the firm of the applicant purchased 89,600 bottles of Eskuf cough syrup and sold it to M/s M.K. Health Care, and the e-way bill shows the actual delivery of the cough syrup from Laborate Pharmaceuticals to the applicant's firm. The name of the applicant surfaced as an accused in the present case only on the basis of the statement of the owner of the truck which was mentioned in the e-way bill, wherein he stated that he never delivered any cough syrup to the applicant, and Rs. 6 crores was transferred by M/s M.K. Health Care only in the account of the applicant's firm, though the price of 89,600 bottles of cough syrup is two crores, and the applicant has specifically pleaded that he is a stockist of medicines and the remaining amount is regarding the other medicines supplied by the applicant's firm to M/s M.K. Health Care and keeping in view the nature of offence, evidence, complicity of the accused and

taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC OnLine SC 3038** as well as guideline of this Court in the case of **Maya Tiwari Vs. State of U.P., 2024 SCC Online All 6765** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail. Accordingly, the present application is **allowed**.

9. Let the applicant- **Vinod Agrawal**, involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned

10. The applicant shall be released on bail on the conditions mentioned at the tail end of this judgment.

69. CRIMINAL MISC. BAIL APPLICATION No. - 24920 of 2026
(Swapanil Kesari Vs. State of U.P.)

1. Counter affidavit filed today by the State is taken on record.

2. Heard Sri Amit Krishna, learned Senior Advocate, assisted by Sri Ashish Chitranshi, learned counsel for the applicant, Sri Anoop Trivedi, learned Additional Advocate General for the State and perused the record. 3. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No. 343 of 2025 under Sections-8, 21, 25, 29 of N.D.P.S, Act, Police Station- Rohaniya, District-Varanasi, during the pendency of the trial.

4. Contention of learned counsel for the applicant is that applicant is the property broker and allegation against him that he arranged shop on rent for Nagendra Kumar Singh, proprietor of Singh

Medicos, Chandauli. A rent agreement for the shop was also executed between the landlord Smt. Rekha Devi and Nagendra Kumar Singh (proprietor of Singh Medicos). The name of the applicant came up in the statement of Smt. Sneha Lata, the cashier of Bank of Maharashtra, where the account of M/s Singh Medicos was maintained and she stated that the applicant being employee of Singh Medicos deposited money in the account of Singh Medicos on several occasions. Learned senior Advocate further submitted that It is evident from the statement of bank manager that at the time of depositing the amount in the account of Singh Medicos, its proprietor Nagendra Kumar Singh also remained present along with the applicant. Therefore, applicant has not committed any offence and there is no recovery of any document regarding storing or transporting the cough syrup. In support of his contention, learned counsel for the applicant has relied upon the judgement of **Ashok Kumar Vs. Union of India** reported in **2014 SCC OnLine All 16411** wherein the Allahabad High Court observed that merely being an employee of a firm which is involved in dealing with the codeine based cough syrup does not make him liable unless he is consciously involved therein.

5. Learned A.A.G. has vehemently opposed the prayer for bail and submitted that after recovery of Phensedyl and Eskuf cough syrup from the godown situated at Police Station Rohaniya, it was found that the above-recovered bottles were transferred from M/s R.S. Pharma to Singh Medicos. During the investigation, it was found that Singh Medicos purchased the cough syrup and had large transactions in its account, which the present applicant deposited. The present applicant's statement, recorded before he made an accused, also shows that he created the firm Singh Medicos in the name of its proprietor, Nagendra Kumar Singh, and thereafter an account was opened, which the applicant also operated.

6. It is further submitted that from the statements of bank employees as well as the statements of other witnesses, including the proprietor of Al Ukba Medical Agency, it is clear that the applicant deposited a huge amount of money on several occasions not in the bank account of Singh Medicos but also in the bank account of Al Ukba Medical Agency. This fact has been duly substantiated by the vouchers of the bank as well as the statements of bank officials.

7. It is further submitted that the CDR of the mobile phone of the applicant shows that he was in conversation with the co-accused Dinesh and Ashish Pathak, and co-accused Dinesh was a close associate of Shubham Jaiswal, who was the kingpin involved in transporting and dealing in the business of cough syrup. It is also submitted by learned AAG that the applicant was involved in a conspiracy with Shubham Jaiswal and his man, Dinesh, and used to deposit huge amounts in the accounts of Singh Medicos and Al Ukba Medical Agency. However, these firms were working only on paper. It is also submitted by learned AAG that the applicant arranged even the shop for Singh Medicos. Therefore, the applicant is not entitled to bail.

8. I have considered the submissions of learned counsel for the parties and perused the record.

9. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and taking into account the fact that the allegation against the applicant is that he helped one Nagendra Kumar Singh to open Singh Medicos at Chandauli and also arranged a shop on rent and thereafter it was found that huge amounts were deposited by the applicant in Singh Medicos as well as Al Ukba Medical Agency. From the perusal of the statement of the bank manager as well as cashier, where the account of the aforesaid firms was maintained, it is clear that the applicant had deposited the amount in the capacity of an

employee of Singh Medicos and on most of the occasions in the presence of Nagendra Kumar Singh, the proprietor of Singh Medicos, and merely because the applicant was in contact with some of the co-accused through phone is not sufficient material against the applicant. There is no other sufficient material showing the applicant is involved in illegal trafficking of codeine-based cough syrup or in the conspiracy thereof and keeping in view the nature of offence, evidence, complicity of the accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC OnLine SC 3038** as well as guideline of this Court in the case of **Maya Tiwari Vs. State of U.P., 2024 SCC Online All 6765** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail. Accordingly, the present application is **allowed**.

10. Let the applicant- **Swapanil Kesari**, involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned.

11. The applicant shall be released on bail on the conditions mentioned at the tail end of this judgment.

70. Criminal Misc. Bail Application No. 19989 of 2026 (Ashish Yadav Vs. State of U.P.)

1. Counter affidavit filed on behalf of the State is taken on record.
2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No. 343 of 2025, under Sections- 8, 21, 25, 29 of N.D.P.S, Act, Police Station- Rohaniya, District-Varanasi, during the pendency of the trial.

3. Sri Santosh Rai, learned counsel for the applicant, submitted that the applicant is neither named in the FIR, nor is he the proprietor or director of any company, and his name surfaced as an accused only on the basis confessional statement of co-accused Swapnil which has no evidentiary value. The only allegation against the applicant is that he deposited the money on behalf of co-accused Dinesh. It is further submitted that the applicant, being an employee of Dinesh Kumar, used to deposit the money on his behalf in Singh Medicos and Al Ukba Medical Agency. Therefore, except for depositing the money on behalf of Dinesh Kumar, there is no material against the applicant regarding his involvement in transporting the cough syrup or any conspiracy therein. The charge-sheet has been filed. Therefore, the applicant is entitled to bail.

4. Per contra, learned AAG has vehemently opposed the prayer for bail and submitted that from the statement of the witness, it is clear that the applicant deposited the money in the bank account of M/s Singh Medicos and M/s Al Ulba medical agency on four occasions on behalf of co-accused Dinesh Kumar. It is further submitted that the applicant is a competent person of Dinesh Pharmaceuticals, which was the proprietor concern of Dinesh. Therefore, the applicant is not entitled to bail.

5. I have considered the submissions of learned counsel for the parties and perused the record.

6. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and taking into account the fact that the applicant was not named in the FIR; his name surfaced as an accused in the confessional statement of co-accused Swapnil, with the allegation that the applicant also deposited money in Singh Medicos as well as Al Ukba Medical Agency on behalf of their proprietor. There is no material showing the involvement of the applicant regarding conspiracy in

transportation or handling the money regarding illegal trafficking of codeine-based cough syrup and keeping in view the nature of offence, evidence, complicity of the accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC OnLine SC 3038** as well as guideline of this Court in the case of **Maya Tiwari Vs. State of U.P., 2024 SCC Online All 6765** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail. Accordingly, the present application is **allowed**.

6. Let the applicant- **Ashish Yadav**, involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned.

7. The applicant shall be released on bail on the conditions mentioned at the tail end of this judgment.

71. Criminal Misc. Bail Application No. 20106 of 2026 (Dinesh Kumar Yadav Vs. State of U.P.)

1. Heard Sri Santosh Rai, learned counsel for the applicant and learned AAG for the State.

2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No. 343 of 2025, under Sections- 8, 21, 25, 29 of N.D.P.S, Act, Police Station- Rohaniya, District-Varanasi, during the pendency of the trial.

3. Sri Santosh Rai, learned counsel for the applicant, submitted that the applicant was not named in the FIR, which was registered after recovery of 18,600 bottles of Phensedyl and 75,150 bottles of Eskuf cough syrup from the godown situated at P.S. Rohaniya,

and the name of the applicant surfaced as an accused in the statement of co-accused Swapnil as well as in the statement of the proprietor of Al Ukba Medical Agency. The only allegation against the applicant is that he used to work on behalf of the main accused, Shubham Jaiswal, who persuaded the applicant to open a firm and get involved in the aforesaid business of Eskuf cough syrup, but there is no material showing the involvement of the applicant except the confessional statements of co-accused persons. Charge-sheet has been filed.

4. Learned AAG has vehemently opposed the prayer for bail and submitted that from the statement of Swapnil, recorded before making him an accused, as well as from the statement of Saddam, who was the proprietor of Al Ukba Medical Agency, recorded under Section 183 BNSS, it is clear that the applicant persuaded several persons to involved in the business codeine based cough syrup and also helped them in making the firms and preparing forged vouchers of sale and purchase of codeine syrup. Therefore, the applicant is not entitled to bail.

5. I have considered the submissions of learned counsel for the parties and perused the record.

6. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and taking into account the fact that the applicant was not named in the FIR; his name surfaced as an accused in the confessional statement of co-accused, with the allegation that the applicant persuaded several persons to open fake firms and the applicant was working on behalf of Shubham Jaiswal (competent person of Saili Traders). There is no material showing that the applicant is involved in any manner in transportation or sale of codeine-based cough syrup himself or on behalf of other co-accused and keeping in view the nature of offence, evidence, complicity of the accused and taking into account the fact that the charge-sheet has already

been filed and considering the overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC OnLine SC 3038** as well as guideline of this Court in the case of **Maya Tiwari Vs. State of U.P., 2024 SCC Online All 6765** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail. Accordingly, the present application is **allowed**.

7. Let the applicant- **Dinesh Kumar Yadav**, involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned.

8. The applicant shall be released on bail on the conditions mentioned at the tail end of this judgment.

72. CrI. Misc. Bail Application No.17904 of 2026 (Divesh Jaiswal Vs. State of U.P.)

1. Heard Sri Udai Karan Saxena, learned Senior Advocate assisted by Ms. Divya Yadav, learned counsel for the applicant, Sri Anoop Trivedi, learned A.A.G. for the State and perused the record.

2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No. 235 of 2025, under Sections 8/21/26(D)/29 of N.D.P.S. Act, and Section 61(2), 318(4), 338, 336(3), 340(2) of B.N.S., P.S. Kotwali, Varanasi, during the pendency of the trial.

3. As per the prosecution story, the Drug Department conducted a raid on several firms dealing in medicines. During the raid, it was found that five firms, including the applicant's firm, were non-

existent, and the applicant's shop was found closed. Despite issuance of notice, the firm did not provide any documents relating to the purchase and further sale of the medicines to the Drug Department. As per the record, the applicant's firm purchased 5,97,076 bottles of New Phensedyl cough syrup of 100 ml each, from Saili Traders (proprietor Bhola Prasad) through its competent person, Shubham Jaiswal. Several bottles of cough syrup of batch number allegedly purchased by the applicant from Saili Traders, were recovered during illegal transportation in Tripura and West Bengal

4. It is further submitted that the applicant is proprietor of a registered firm M/s DSA pharma and also having licence under the Drugs and Cosmetics Act to deal with the business of medicines and, during the course of business, it had purchased 5,97,076 bottles(100ml each) of New Phensedyl cough syrup, from Saili Traders. The E-way bill, including the transporter details, is on record. Therefore, the applicant has not committed any offence. It is further submitted that the applicant has no criminal history. It is further submitted that the charge sheet has been filed in the present case; therefore, there is no requirement of custodial interrogation. The applicant is a law-abiding citizen and has been languishing in jail since 08.02.2026. If he is granted bail, he will not misuse his liberty and will cooperate in the trial proceedings.

5. Learned A.A.G. has vehemently opposed the prayer for bail and submitted that though the applicant had purchased 5,97,076 bottles of New Phensedyl cough syrup from Saili Traders, on inspection, the firm of the applicant was found to be non-existent and no document was provided regarding the receipt or sale of the same to any other firm. It was further submitted that the applicant issued an experience certificate to the proprietor of M/S Mahakal Medicos, and the address of M/S Mahakal Medicos is

the same as the address of the applicant's firm. Therefore, the applicant created a forged firm dealing in medicines to divert the codeine- based cough syrup so that it could be transported for intoxication. It is also submitted that the traceability report of the concerned toll plaza shows that the bottles purchased by the applicant from Saili Traders were not actually transported to the applicant's firm in Varanasi, except for a very small part of the purchased bottles.

6. It is further submitted that though, during investigation, it was found that e- way bills were created for sending the bottles of New Phensedyl cough syrup purchased by the applicant's firm to nine different firms, namely, Welcome Pharma, Varanasi, Sri Balaji Medical, Varanasi, Shiv Enterprises, Chandauli, Sana Medical, Varanasi, Mahadev Traders, Chandauli, Divya Traders, Varanasi, Bhairav Medical Agency, Chandauli, Akash Distributor, Varanasi, and Bajrang Medical Agency, Ghazipur(hereinafter will be referred as C- layer firms). However, during the investigation, it was further revealed that the vehicle numbers mentioned in the e-way bills belonged to three-wheelers, school buses, or ambulances. Therefore, there was no actual transportation of the New Phensedyl cough syrup bottles from M/s DSA Pharma to C-Layer firm. It was further found that there was no document regarding the purchase, receipt or further sale of the New Phensedyl cough syrup allegedly sold by the applicant's firm. Therefore, the entire lot, which has been shown to have been purchased from Saili Traders, was illegally transported by diverting it through the applicant's firm for the purpose of selling it in the open market as an intoxicant.

7. It was further submitted that several bottles bearing the same batch number, allegedly shown to have been purchased by the applicant's firm from Saili Traders, were recovered from different places in Tripura as well as West Bengal during illegal

transportation. It is also submitted that the records of the firms which had allegedly shown to have purchased the New Phensedyl cough syrup from the applicant's firm show that huge amounts of cash were deposited in the accounts of those firms without showing any business transactions, and the said amounts were further transferred to the account of the applicant's firm. The applicant's firm thereafter transferred the same to the account of Saili Traders, though, in fact, there was no business in the firms which were allegedly shown to have purchased the bottles from the applicant's firm.

8. It is also submitted that the statement of the proprietor of Akash Traders, namely, Akash Kumar, was recorded under Section 183 BNSS, wherein he stated that the applicant approached him and persuaded him to get involved in the business of selling cough syrup, as it could generate huge profits. Thereafter, the applicant introduced him to Shubham Jaiswal and Bhola Jaiswal. Subsequently, on Shubham Jaiswal's instructions, a firm in the name of Akash was opened, and an account was also opened. The applicant took the signed cheque book on the pretext of operating the account for business transactions, and subsequently, Rs.10,000/- was also given to him. Thereafter, the applicant did not contact him, and subsequently, it was found that the business of cough syrup was being carried out by the applicant in his name (Akash Kumar) without his knowledge.

9. I have considered the submissions of learned counsel for the parties and perused the record. From the perusal of the record, it is clear that the applicant is a proprietor of DSA Pharma and he had purchased 59,707 bottles of New Phensedyl cough syrup containing codeine from Saili Traders (proprietor Bhola Prasad), but on inspection, no document regarding the purchase or stock or sale of the New Phensedyl cough syrup allegedly purchased from Saili Traders was found, though the e-way bills show

transportation of the aforesaid bottles of cough syrup from Saili Traders to the firm of the applicant. Subsequently, the e-way bill shows that the applicant had transferred New Phensedyl cough syrup purchased to 9 different firms, but in the investigation, it was found that the vehicle numbers mentioned in the e-way bills regarding transportation of cough syrup from the applicant's firm to the other 9 different firms belong to three-wheeler, school buses and ambulances and no record of actual transportation of Phensedyl cough syrup, which was initially purchased by the applicant's firm from Saili Traders, was found. Subsequently, large stock of bottles of the same batch number (allegedly purchased by applicant from Saili Traders) was recovered in Tripura as well as West Bengal during illegal trafficking for the purpose of intoxication. Even the statement of one witness Akash, who was the proprietor of Akash Traders, recorded under Section 183 BNSS, also shows that the applicant was actively involved in opening the fake firms for preparing forged invoices regarding purchase of codeine based cough syrup. From the perusal of the record, this Court prima facie found that the applicant is actively involved in the conspiracy of transportation of codeine-based cough syrup for the purpose other than medical use, therefore, this Court is not inclined to release the applicant on bail.

Accordingly, the bail application filed on behalf of the applicant is hereby **rejected**. Application, if any, stands **disposed of**.

73. Criminal Misc. Bail Application No. 18610 of 2026 (Ankush Singh Vs. State of U.P.)

1. Supplementary counter affidavit filed by the State is taken on record.
2. Heard Sri Udai Karan Saxena, learned Senior Advocate, assisted by Ms. Divya Yadav, learned counsel for the applicant,

Sri Anoop Trivedi, learned A.A.G. for the State and perused the record.

3. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No. 235 of 2025, under Sections 8/21/26(D)/29 N.D.P.S. Act and Section 61(2), 318(4), 338, 336(3), 340(2) of B.N.S., P.S. Kotwali, District, Varanasi, during the pendency of the trial.

4. Learned counsel for the applicant submitted that the allegation against the applicant is that he being proprietor of M/s Mahakal medical store had purchased 5,21,000 bottles(100ml each) of Phensedyl cough syrup from Saili Traders and thereafter the same were transferred to eight firms, namely, Welcome Pharma, Shri Balaji Medical, Shiv Enterprises, Sana Medical, Mahadev Traders, Divya Traders, Bhairav Medical Agency and Akash Traders, but as per the traceability report of the concerned toll plaza, consignments as mentioned in e-way bills were never transported to these firms. Therefore the same were diverted to sell in open market for intoxication.

5. The learned counsel for the applicant further submitted that the e-way bills show that the applicant, being a drug licence holder, purchased 5,21,000 bottles of Phensedyl from Saili Traders and transferred the same to eight other firms. If the firms which had purchased the Phensedyl cough syrup from the applicant's firm have misused it, then applicant cannot be held liable, as the entire transaction was made in the course of the business of medicines. There is no document to substantiate the aforesaid allegation. It is further submitted that the applicant has no criminal history. It is further submitted that the charge sheet has been filed in the present case; therefore, custodial interrogation is not required. The applicant is a law-abiding citizen and has been languishing in jail since 08.02.2026. If he is granted bail, he will not misuse his liberty and will cooperate in the trial proceedings.

5. Per contra, learned A.A.G. has vehemently opposed the prayer for bail and submitted that though an e-way bill was obtained from the GST Department regarding the purchase and transportation of 5,21,000 bottles from Saili Traders to Mahakal Medical Store of the applicant, the same was shown to have been transferred to eight other firms, but, in fact, it was never transferred to those firms and was diverted for other purposes. It was further submitted that a huge amount was also transferred to the account of the applicant's firm, which the applicant further transferred to the account of Saili Traders. The transaction also shows that the firms to which the applicant had sold Phensedyl cough syrup, had deposited huge amount of cash in their bank accounts, without any further business or transactions relating to the allegedly purchased bottles of Phensedyl. It is further submitted that the rent agreement of the applicant's firm with the landlord was found to be forged and the shop of Mahakal Medical Store was found to be the same as that of the M/s DSA firma. It is further submitted that eight firms which had allegedly purchased the phensedyl cough syrup from the applicant's firm had also been shown to have purchased phensedyl cough syrup from different medical firms without receiving actual supply or any business. Thereafter, funds were continuously transferred to Saili Traders through other firms.

6. I have considered the submissions of learned counsel for the parties and perused the record. It is not in dispute that the applicant is a proprietor of Mahakal Pharma, which purchased 5,21,000 bottles of New Phensedyl cough syrup having codeine in permitted quantity. Applicant's firm had transferred the aforesaid purchased bottles of New Phensedyl cough syrup to 8 different firms and during investigation, these firms were found to be existing on papers and huge amount was deposited in the accounts of these 8 firms, which was transferred in the account of the applicant's firm and the applicant further transferred the same

in the account of Saili Traders. Though there is an e-way bill regarding transportation of 5,21,000 bottles of New Phensedyl cough syrup from the applicant's firm to eight different firms, but during investigation, it was found that the toll plaza traceability report as well as the statement of the transporter show that there was no actual delivery of the above bottles of codeine-based cough syrup to the 8 different firms and the agreement of the shop of the applicant was subsequently found to be forged, as there was no shop of the applicant to store any medicine. *Prima facie*, this Court is of the view that the applicant was involved in diverting the huge quantity of codeine-based cough syrup for the purpose other than medicine. Therefore, this Court is not inclined to release the applicant on bail.

7. Accordingly, the bail application filed on behalf of the applicant is hereby **rejected**.

74. Cri. Misc. Bail Application No.14465 of 2026 (Abhinav Kumar Yadav Vs. State of U.P.)

1. Heard Ms. Divya Yadav, learned counsel for the applicant and Sri Anoop Trivedi, learned AAG for the State.

2. Instant bail application has been filed with a prayer to release the applicant on bail during the trial in Case Crime No.235/2025 under Sections (8/21) / 26(D) / 29 N.D.P.S. Act and section 61(2), 318(4), 338 336(3), 340(2) of B.N.S., P.S.-Kotwali, District-Varanasi.

3. Learned counsel for the applicant submitted that the applicant is the proprietor of Khathu Pharma. The applicant was not named in the FIR, and his name was surfaced during investigation. The allegation against the applicant is that, although he purchased 2,25,999 bottles of new phensedyl cough syrup (10 ml each) from Saili Traders as per the GST E-Way Bill, he could not show any document regarding the purchase or any order placed with Saili

Traders. Further allegation against the applicant is that he allegedly transferred and sold the aforesaid phensedyl cough syrups to six non-existing firms, namely Sakshi Medical, Shiv Enterprises, Sana Medicals, Bhairav Medical Agencies, Akash Distributors and Divya Medical. However, E-way bills show the transportation but the traceability report shows that there was no actual delivery to the purchasing firms. Even the stock could not be found either at the applicant's firm or with the person to whom the applicant allegedly sold the phensedyl cough syrup.

4. Learned counsel for the applicant further submitted that the applicant is a drug license holder and authorised to purchase and sell the medicine and, during the ordinary course of business, he purchased 2,25,999 bottles of new phensedyl and further sold to six other firms. If the purchasing firm diverted the same, the applicant could not be held liable for the illegal activities. It is further submitted that the charge sheet has been filed; therefore, custodial interrogation is not required. The applicant has no criminal history. In case he is granted bail, he will not misuse the liberty of bail and will cooperate in the trial proceedings.

5. Per contra, learned AAG for the State vehemently opposed the submissions and submitted that information regarding purchase of 2,25,999 bottles of cough syrups was obtained on the basis of E-way Bill of GST Department, but no other document was produced by the applicant regarding purchase or placing the order for purchase of phensedyl bottles from Saili Traders. It was further submitted that even the alleged sale of the phensedyl bottles to six firms were found to be fake, as the traceability report shows no actual transportation to the purchasing firm and that the phensedyl cough syrup was diverted to different places for intoxication. It is further submitted that the firms shown to be the purchaser of phensedyl cough syrup from the applicant's firm were found to have cash deposited in their bank account without

involving in any business, and the same was transferred to the applicant, and he further transferred the same to Saili Traders.

6. It was further submitted that several phensedyl bottles recovered at Malda and Tripura belonged to the same batch number which the applicant purchased from Saili Traders. It is also submitted that three purchasing firms, namely Sakshi Medical, Sana Medicals, and Bhairav Medical Agencies, though shown to have purchased phensedyl cough syrup from the applicant's firm, did not transfer any amount to the account of the applicant's firm. However, the applicant's firm transferred the entire price of phensedyl bottles to Saili Traders. It is further submitted that the firms to which the applicant allegedly sold the phensedyl syrup were found to be non-existing firm in reality, and even the office address of the applicant's firm was same as of M/s DSA pharma. It is lastly submitted that the shop rent agreement of the applicant's firm was also found to be forged; therefore, he is not entitled to bail.

7. I have considered the submissions of learned counsel for the parties and perused the record. From the perusal of the record, it is clear that the applicant is a proprietor of Khatu Pharma and he had purchased 2,25,999 bottles of New Phensedyl cough syrup containing codeine from Saili Traders (proprietor Bhola Prasad), but on inspection, no document regarding the purchase, stock or sale of the New Phensedyl cough syrup allegedly purchased from Saili Traders was found, though the e-way bill shows transportation of the aforesaid bottles of cough syrup from Saili Traders to the firm of the applicant. The e-way bills of subsequent transfer show that the applicant had transferred New Phensedyl cough syrup purchased from Saili Traders to 6 different firms, but vehicle numbers mentioned in the e-way bills regarding transportation of cough syrup from the applicant's firm to the other 6 different firms belong to three-wheeler, school buses and

ambulances. Out of the aforesaid 6 different firms, 3 firms deposited cash amounts in the account of the applicant, whereas the remaining 3 firms did not deposit even a single amount in the account of the applicant, even then the applicant deposited the entire price of New Phensedyl cough syrup to Saili Traders. It was further found that a huge quantity of bottles of the same batch number, which were purchased by the applicant from Saili Traders, were recovered in Malda and Tripura during illegal transportation for the purpose other than medicine. Even the statement of one witness, Akash, who was the proprietor of Akash Traders, recorded under Section 183 BNSS, also shows that the applicant was actively involved in opening fake firms for preparing forged invoices regarding purchase of codeine based cough syrup. From the perusal of the record, this Court prima facie finds that the applicant is actively involved in the conspiracy of transportation of huge quantity of codeine-based cough syrup for the purpose other than medical use, which would attract the provision of NDPS Act . Therefore, this Court is not inclined to release the applicant on bail.

8. Accordingly, the bail application filed on behalf of the applicant is hereby **rejected**. Application, if any, stands **disposed of**.

75. Criminal Misc. Bail Application No. 17056 of 2026 (Badal Arya Vs. State of U.P.)

1. Heard Sri Rajesh Kumar Tiwari, learned counsel for the applicant and learned AAG for the State.

2. Instant bail application has been filed with a prayer to release the applicant on bail during the trial in Case Crime No.235 of 2025 under section 8/21/29 of N.D.P.S. Act and Sections 61(2), 318(4), 338, 336(3), 340(2) of B.N.S., Police Station-Kotwali, District-Varanasi.

3. Learned counsel for the applicant submitted that the applicant was not named in the FIR and his name was surfaced during investigation. The allegation against the applicant is that he purchased 1,23,000 bottles of new Phensedyl cough syrup from Saili Traders, though there was no document regarding the order or invoice in the applicant's office. It is further alleged that applicant had shown the transfer of the above purchased Phensedyl bottles to Sana Medicals, Varanasi, Shiv Medical, Chandauli, Bhairav Medical Agencies, Chandauli and Akash Distributors, Varanasi, however, the sale was only on paper based through the E-way Bill, and Phensedyl bottles were not actually delivered to the purchasing firms.

4. Learned counsel for the applicant further submitted that that the applicant is drug license holder to deal with business of medicine and during course of business, he purchased 1,23,000 bottles from Saili Trader and further sold the same to five other firms namely Sana Medicals, Varanasi, Shiv Medical, Chandauli, Bhairav Medical Agencies, Chandauli and Akash Distributors, Varanasi and also transferred the amount of purchase bottles to Saili Traders after getting the same from purchasing firm. It is lastly submitted that the charge sheet has been filed; therefore, custodial interrogation is not required. The applicant has no criminal history. In case he is granted bail, he will not misuse the liberty of bail and will cooperate in the trial proceedings.

5. Per contra, learned AAG vehemently opposed the prayer and submitted that though the GST E-way Bill shows transfer of 1,23,000/- bottles from Saili Trader to the applicant firm, there was no document showing any order was placed or any invoice regarding the aforesaid purchase, and even the E-way Bill obtained from GST Department shows, the applicant had transferred phensedyl bottles to Sana Medicals, Varanasi, Bhairav Medical Agencies, Chandauli and Akash Distributors, Varanasi.

However, the Toll traceability Report shows that no such consignment was transported to these purchasing firms. It is further submitted that, except Sana Medicals, the other purchasing firms transferred the amount to the applicant's account without purchasing any phensedyl bottles, and the account statements of the purchasing firms also show that a large amount of cash was deposited through different handlers and was finally credited to the account of Saili Traders by the applicant's firm. It is also submitted that, to open the firm of the applicant, co-accused Ankur, proprietor of Mahakal Medical, issued an experience certificate, and the rent agreement for the shop of the applicant's firm was also found to be forged. It was also surprising that the vehicle number mentioned in the E-way Bill for transporting phensedyl cough syrups by the applicant to five different firms belongs to car, ambulance, and scooty. Therefore entire consignment of phensedyl bottles purchased from Saili Trader have been diverted in open market to use the same as intoxicant. However, the huge amount has been deposited in the account of Saili Trader; therefore the applicant is not entitled to be released on bail.

6. I have considered the submissions of learned counsel for the parties and perused the record. It is not in dispute that the applicant is a proprietor of Mahakal Pharma, which purchased 1,23,000 bottles of New Phensedyl cough syrup having codeine in permitted quantity. It was further found that the applicant's firm had transferred the aforesaid purchased bottles of New Phensedyl cough syrup to 4 different firms and during investigation, these firms were found to be existing on papers and huge cash amount was deposited in the accounts of these 4 firms, which was transferred in the account of the applicant's firm and the applicant further transferred the same in the account of Saili Traders. Though there is an e-way bill regarding transportation of 1,23,000 bottles of New Phensedyl cough syrup from the

applicant's firm to four different firms, but during investigation, it was found that the toll plaza traceability report as well as the statement of the transporter show that there was no actual delivery of the above bottles of codeine-based cough syrup to the 4 different firms and the agreement of the shop of the applicant was found to be forged, as there was no shop of the applicant to store any medicine. Prima facie, this Court is of the view that the applicant was involved in diverting the huge quantity of codeine-based cough syrup for the purpose other than medicine. Therefore, this Court is not inclined to release the applicant on bail.

7. Accordingly, the bail application filed on behalf of the applicant is hereby **rejected**. Application, if any, stands **disposed of**.

76. Criminal Misc. Bail Application No. 20719 of 2026 (Vaibhav Jaiswal Vs. State of U.P.)

1. Heard Sri Neeraj Tripathi, learned Senior Advocate assisted by Sri Divesh Kumar, learned counsel for the applicant and learned AGA for the State.

2. Instant bail application has been filed with a prayer to release the applicant on bail during the trial in Case Crime No. 235 of 2025 under sections 8, 21, 29, 26(d) of the N.D.P.S. Act and Sections 61(2), 318(4), 336(3), 338 and 340(2) of the B.N.S., Police Station Kotwali, District Varanasi.

3. Learned counsel for the applicant submitted that the applicant was not named in the FIR. Subsequently, during investigation, his name surfaced on the basis of information received from the informer. The allegation against the applicant is that he is a handler of Saili Traders and, on its behalf, he used to deposit money and also helped in opening the account in the name of the wife of co-accused Subham Jaiswal. It is further submitted that, from the applicant's house, a recovery of Rs. 22,62,350 was

shown, along with an iPhone with a Rs. 10 note at the back of the cover. Further, it is alleged that the applicant transferred crores of rupees to Shubham Jaiswal through Hawala. It is further submitted that the amount shown to be recovered from the house of the applicant belongs to him as the applicant himself is a businessman dealing in liquor. Therefore, recovery of Rs. 22,62,350/- is not unusual from the house of a businessman.

4. Learned counsel for the applicant further submitted that from the statement of the Branch Manager, it is clear that all the signatures made in account opening form as well as other documents belong the wife of Subham Jaiswal and were not forged by the applicant. There is no material showing that the applicant has ever transferred the money to Subham Jaiswal through hawala. Learned counsel for the applicant submitted that merely on the statement of four co-accused persons, the applicant has been falsely implicated regarding involvement in hawala transaction for transferring the money to Subham Jaiswal. However, these four persons were subsequently made accused in the present case. The charge sheet has been filed; therefore, there is no requirement for custodial interrogation. The applicant has no criminal history. If he is granted bail, he will not misuse his liberty and will cooperate in the trial proceedings.

5. Sri Pritosh Malviya, learned AGA, vehemently opposed the prayer and submitted that on checking the CCTV footage by the I.O., it was found that one Ashok Chaoudhary used to come at the shop of the applicant, who was a close associate of Shubham Jaiswal and involved in transferring money to Subham Jaiswal through Hawala. Thereafter, police raided at flat of Ashok Chaudhary and recovered more than Rs.19,00,000/- and statements of Ashok Chaudhary, Mohit, Ramavatar and Giridhari were also recorded. They admitted that they transferred money to

Subham Jaiswal through hawala on the instructions of the present applicant. Therefore, the applicant is not entitled to bail.

6. I have considered the submissions of learned counsel for the parties and perused the record.

7. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties, it is not in dispute that the applicant is a proprietor of Kal Bhavirav Traders and he was not named in the FIR; his name surfaced as an accused during investigation with the allegation that the applicant was the handler of the money of Saili Traders and he used to send money to Shubham Jaiswal (competent person of Saili Traders) through Hawala and also helped in opening an account in the name of the wife of Shubham Jaiswal. However, except for the recovery of ₹22,62,350/- from the house of the applicant, there is no material against him. The applicant is a businessman dealing in liquor therefore above recovery is not unusual and keeping in view the nature of offence, evidence, complicity of the accused and taking into account the fact that the charge-sheet has already been filed and considering the overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC OnLine SC 3038** as well as guideline of this Court in the case of **Maya Tiwari Vs. State of U.P., 2024 SCC Online All 6765** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail. Accordingly, the present application is **allowed**.

8. Let the applicant- **Vaibhav Jaiswal**, involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned.

9. The applicant shall be released on bail on the conditions mentioned at the tail end of this judgment.

77. Criminal Misc. Bail Application No.16465 of 2026 (Ram Autar Vs. State of U.P.), 16482 of 2026 (Girdhari vs State of U.P.), 16536 of 2026 (Mohit vs State of U.P.)

1. Heard Sri Pavan Kumar Rao, learned counsel for the applicant and Sri Anoop Trivedi, learned AAG for the State.

2. All the aforesaid bail applications (Bail Application No.16465 of 2026, 16482 of 2026 and 16536 of 2026) arise from the same case crime numbers and same facts; therefore, the same is being decided by this common order.

3. The instant applications have been filed with a prayer to release the applicants on bail during the trial in Case Crime No. 235 of 2025, under Sections 27-A, 29 of The Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station- Kotwali, District-Varanasi.

4. Learned counsel for the applicants submitted that the applicants were not named in the FIR. Subsequently, on arrest of co-accused Ashok Chaudhary, his flat was raided, wherein from a room, co-accused Mohit was apprehended along with a black bag. Thereafter, another flat was raided, from which the applicant, Ram Avtar, and Girdhari were apprehended, and a blue bag was also recovered from the room. Thereafter, both the bags were opened in the police station, and it was found that the black bag recovered from the flat of Ashok Choudhary was containing more than three lakh rupees, and the blue bag recovered from the other flat in the presence of the applicant, Ram Avtar and Giridhari was containing 5 lakh rupees.

5. Learned counsel for the applicants has further submitted that there was no public witness of the aforesaid recovery and the

procedure of Section 105 BNSS has not been complied with; therefore, the aforesaid recovery is absolutely false. It is further submitted that the allegation against the applicant is that he was involved in sending the illegally earned money from the sale of codeine syrup to Shubham Jaiswal through hawala without being any evidence. The applicant has no criminal history. He further relied on the judgment of the Supreme Court in the case of ITC Ltd. vs State of Karnataka, arising out of Civil Appeal No. 11798 of 2025. The charge sheet has been filed; therefore, custodial interrogation is not required. In case he is granted bail, he will not misuse the liberty of bail and will cooperate in the trial proceedings.

6. Learned AGA vehemently opposed the prayer and submitted that while making search and recovery of the flat from where the applicant was arrested, videography as required by Section 105 BNSS was conducted, and even at the time of opening the bags and counting the money, videography was also conducted in compliance with Section 105 BNSS. It is further submitted that a token note of Rs. 10 was also found in the applicant's mobile phone, which was used in hawala transaction. Therefore, the applicant is not entitled to bail.

7. I have heard the submissions of learned counsel for the rival parties and perused the record.

8. Considering the fact that the applicants are not named in the FIR and their names have been surfaced merely on the basis of recovery of black bag from the room of the applicant Mohit and co-accused Ashok Choudhary containing Rs.3 lakh as well as a blue bag from the room of the applicants Ram Autar and Giridhari having Rs.5 lakh and there is no material that the aforesaid amount is being kept for transfer to Subham Jaishwal (competent person of Saili Traders). Even these bags were opened not at the place of recovery but were opened at the police station. This

creates doubt over the prosecution story. Apart from this, there is no other material regarding the involvement of the applicants Ram Autar, Girdhari and Mohit in the illegal trafficking of codeine based cough syrup or any conspiracy regarding that, as well as charge sheet has been filed and keeping in view the nature of offence, evidence, complicity of accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC Online SC 3038** as well as guideline of this Court in the case of **Maya Tiwari vs State of U.P.** reported in **2024 SCC Online All 6765** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicants are entitled to be enlarged on bail.

9. Let the applicants- **Ram Autar, Girdhari and Mohit** involved in the aforementioned crime be released on bail, on their furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned.

10. The applicants shall be released on bail on the conditions mentioned at the tail end of this judgment.

78. Criminal Misc. Bail Application No.17389 of 2026 (Om Prakash Kharwar Vs. State of U.P.)

1. Heard Sri Manoj Pandey, Advocate, holding brief of Smt. Rukmani Ojha, learned counsel for the applicant and learned AGA for the State.

2. Instant application has been filed with a prayer to release the applicant on bail during the trial in Case Crime No. 235 of 2025, under Sections 27(A) and 29 of N.D.P.S. Act at Police Station Kotwali, District-Varanasi.

3. Learned counsel for the applicant submitted that the applicant was not named in the FIR. Subsequently,, during investigation, the applicant's name surfaced in the confessional statements of co-accused Ram Avtar, Giridhari, Ashok, and Mohit; however, there is no incriminating material against the applicant,, and he has been falsely implicated solely on the basis of the confessional statements of co-accused. The applicant has no criminal history and the charge sheet has been filed. In case he is granted bail, he will not misuse the liberty of bail and will cooperate in the trial proceedings.

4. Learned AGA opposed the aforesaid submissions but could not dispute the aforesaid facts.

5. I have heard the submissions of learned counsel for the rival parties and perused the record.

6. Considering the fact that the applicant was not named in the FIR and his name was surfaced on the confessional statements of Ram Autar, Ashok Choudhary and Mohit and there is no material regarding involvement of the applicant in illegal trafficking of codeine based cough syrup or any conspiracy regarding that and keeping in view the nature of offence, evidence, complicity of accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC Online SC 3038** as well as guideline of this Court in the case of **Maya Tiwari vs State of U.P.** reported in **2024 SCC Online All 6765** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

7. Let the applicant- **Om Prakash Kharwar** involved in the aforementioned crime be released on bail, on his furnishing a

personal bond and two sureties each in the like amount, to the satisfaction of the court concerned.

8. The applicant shall be released on bail on the conditions mentioned at the tail end of this judgment.

79. Criminal Misc. Bail Application No.19353 of 2026 (Santosh Giri Vs. State of U.P.)

1. Heard Sri Manoj Kumar, holding brief of Smt. Rukmani Ojha, learned counsel for the applicant and learned AGA for the State.

2. Instant application has been filed with a prayer to release the applicant on bail during the trial present Application and release the Applicant on bail In Case Crime No. 235 of 2025, under Sections 27 A, 29 of N.D.P.S. Act at Police Station- Kotwali, District-Varanasi.

3. Learned counsel for the applicant submitted that the applicant was not named in the FIR. However, during the investigation, in the confessional statements of Ramavatar, Giridhari, Mohit and Ashok, wherein the allegations were made that the applicant had provided a vehicle for transporting cash, which was used to transfer money to Subham Jaishwal through hawala.

4. Learned counsel for the applicant further submitted that during investigation, no material was found to establish that the alleged vehicle, which the applicant provided to the accused, belonged to him, and there is no material that the applicant had provided a vehicle for transporting the cash for hawala purposes, except the confessional statement of co-accused. The applicant has no criminal history. The police have filed the charge sheet; therefore, there is no requirement for custodial interrogation. If he is granted bail, he will not misuse his liberty and will cooperate in the trial proceedings.

5. Learned AGA for the State opposed the prayer but could not dispute the aforesaid facts.

6. I have heard the submissions of learned counsel for the rival parties and perused the record.

7. Considering the fact that the applicant was not named in the FIR and his name was surfaced in the confessional statement of co-accused Ram Autar, Girdhari and Mohit regarding the fact that the applicant has provided vehicle for transporting the cash to Shubham Jaiswal (competent person of Saili Traders) through Hawala though there is no material showing that the applicant's ownership of vehicle or recovery thereof; coupled with the fact that charge sheet has been filed and keeping in view the nature of offence, evidence, complicity of accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC Online SC 3038** as well as guideline of this Court in the case of **Maya Tiwari vs State of U.P.** reported in **2024 SCC Online All 6765** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

8. Let the applicant- **Santosh Giri** involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned.

9. The applicant shall be released on bail on the conditions mentioned at the tail end of this judgment.

80. CrI. Misc. Bail Application No.19531 of 2026 (Himanshu Kasera Vs. State of U.P.)

1. Heard Sri Ashutosh Mishra, learned counsel for the applicant and Sri Paritosh Malviya, learned AGA for the State.

2. Instant bail application has been filed with a prayer to release the applicant on bail during the trial in Case Crime No.235 of 2025, under Section (8/21) / 26 (D) 29 of N.D.P.S. Act and Section 61(2), 318(4) 338, 336(3), 340(2) B.N.S., Police Station Kotwali, District-Varanasi.

3. Learned counsel for the applicant submitted that the applicant was not named in the FIR in the present case. However, during the investigation, the applicant's name surfaced in the statements of Gautam Kasera and Durgesh Verma. In his statement, Gautam Kasera stated that the applicant introduced him to Akash Pathak for a job and thereafter the applicant as well as Gautam Kasera started working therein as an employee of Akash Pathak. It is further alleged that applicant persuaded Durgesh Verma to open a pharma agency and also opened an account operated by co-accused Subham Jaishwal and also the allegation applicant is a handler of Shubham Jaiswal and used to send money to Subham Jaiswal through hawala; a photo of a Rs. 10 note was also found in the applicant's mobile, which was used as a code in the hawala transaction.

4. It is further submitted by applicant's counsel that except the confessional statement of the co-accused, there is no material showing that the applicant was working as a handler of co-accused Shubham Jaiswal for transferring money to him. It is further submitted that the alleged screenshot of chats on the applicant's mobile does not show any connection with illegal dealing in phensedyl cough syrup or any other illegal activity. It is further submitted that he has explained the criminal history of one case in the accompanying affidavit. The police have filed the charge sheet; therefore, there is no requirement for custodial interrogation.

5. Sri Paritosh Malviya, learned AGA, vehemently opposed the prayer and submitted that the witness Durgesh Verma clearly stated about the involvement of the applicant in opening the medical agency in his name by the applicant and co-accused Prashant Kasera. Subsequently, applicant himself confessed to be a money handler for co accused Shubham Jaiswal and involvement in Hawala transactions, as well as depositing money into the account of M/S Bajrang Medical Agencies of Durgesh Verma. Therefore, the applicant is not entitled to bail.

6. I have heard the submissions of learned counsel for the rival parties and perused the record.

7. Considering the fact that the applicant was not named in the FIR and his name surfaced in the confessional statement of co-accused and only allegation against the applicant is that he is cash handler of co-accused Shubham Jaiswal though there is no other material showing that the applicant has any connection with the illegal dealing in codeine based cough syrup or other illegal activities; coupled with the fact that charge sheet has been filed and keeping in view the nature of offence, evidence, complicity of accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC Online SC 3038** as well as guideline of this Court in the case of **Maya Tiwari vs State of U.P.** reported in **2024 SCC Online All 6765** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

8. Let the applicant- **Himanshu Kasera** involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned.

81. CrI. Misc. Bail Application No.18059 of 2026 (Rohit Kumar Verma Vs. State of U.P.)

1. Heard Sri Pranav Tiwary, learned counsel for the applicant and Sri Paritosh Malviya, learned AGA for the State.

2. Instant bail application has been filed with a prayer to release the applicant on bail during the trial in Case Crime No.313 of 2025, under Sections 8/21/22/29 of N.D.P.S. Act, Police Station-Ramnagar, District Varanasi.

3. Learned counsel for the applicant submitted that the applicant was not named in the FIR, wherein an allegation has been made that at the time of raiding the godown of Manoj Yadav, near Sujabad, Army Ground, the applicant was found as the caretaker of the godown and, on opening the gate of the godown, recovery of 25950 bottles of Eskuf syrups was made by the police. One Tata Ace vehicle bearing registration No.UP-65- AR 6253 was also recovered, which was used to transport the cough syrup stored in the aforesaid godown.

4. Learned counsel for the applicant further submitted that the applicant is simply a guard/caretaker of the godown of Manoj Yadav and even the vehicle recovered from godown does not belong to the applicant and there is no evidence against the applicant that he was involved in the trade of recovered cough syrup. The police have filed the charge sheet; therefore, custodial interrogation is not required. The applicant has no criminal history.

5. Per contra, Sri Paritosh Malviya, learned AGA vehemently opposed the prayer and submitted that actually during investigation, it was found that the recovered bottles of Eskuf cough syrup from godown of Manoj Yadav was actually sold by M/s R.S. Pharma, Ghaziabad to Singh Medico and a part of that consignment of cough syrup was recovered from the godown of Manoj Yadav and remaining part of codiene-based cough syrup

sold by the M/s R S Pharma was also recovered in Agartal . Being guard of the godown there is involvement of the applicant in illegal trade of cough syrup. therefore, the applicant is not entitled to be released on bail.

6. I have heard the submissions of learned counsel for the rival parties and perused the record.

7. Considering the fact that the applicant was guard/care taker of the godown of co-accused Manoj Yadav, wherefrom 25,980 bottles of Eskuf cough syrup were recovered by the police and there is no other material against the applicant that he was aware about the illegal transportation or storage of codeine based cough syrup in the godown of Manoj Yadav; coupled with the fact that charge sheet has been filed and keeping in view the nature of offence, evidence, complicity of accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC Online SC 3038** as well as guideline of this Court in the case of **Maya Tiwari vs State of U.P.** reported in **2024 SCC Online All 6765** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

8. Let the applicant- **Rohit Kumar Verma** involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned.

9. The applicant shall be released on bail on the conditions mentioned at the tail end of this judgment.

82. CRIMINAL MISC. BAIL APPLICATION No. 43070 of 2025 (Kul Narayan Vs. State of U.P.), 45511 of 2025 (Suraj Kumar Kharwar

Vs. State of U.P.) and 43074 of 2025 (Chetnarayan Chaudhary Vs. State of U.P.)

1. Heard Shri Shashwat Shukla, Advocate, holding brief of Shri Shailesh Kumar Yadav, learned counsel for the applicants, Suraj Kumar Kharwar, in Criminal Misc. Bail Application No. 45511 of 2025, Shri Piyush Patel, learned counsel for the applicant in Criminal Misc. Bail Application Nos. 43074 of 2025, and Criminal Misc. Bail Application No. 43070 of 2025, Shri Paritosh Srivastava, and Shri Nitesh Srivastava, learned AGA for the State-respondents.

2. Learned counsel for the applicants, learned A.G.A. for the State and learned counsel for the respective parties have been heard. Since all the bail applications arise out of the same case crime and involve identical questions of fact and law, they are being heard together and are being decided by this common order.

3. All the bail applications are filed with a prayer to release the applicants on bail in Case Crime no.124 of 2025, under Sections 8/22/23 Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station- Thuthibari, District- Maharajganj, during the pendency of trial.

4. As per the prosecution case, all the applicants were arrested in a park situated near the India-Nepal border, in the vicinity of Rajabadi village. At the time of their arrest, various narcotic and psychotropic substances were allegedly recovered from their possession, including Promethazine Hydrochloride injections 137, Spas-Pus capsules 650 tablets, 718 Proxycose-spas capsules, 951 Proximec- spas tablets, 951 tablets Diazepam injections, 145 Buprenorphine injections, 142 Spasmo-Proxyvon Plus capsules 104 and Nitrazepam 161 tablets. Police also allegedly recovered two motorcycles, namely a Bajaj Pulsar and a Suzuki motorcycle, along with Nepalese currency amounting to Rs. 2,83,030/- and

Indian currency amounting to Rs. 2,960/-. Certain other pharmaceutical preparations were also allegedly recovered from the applicants.

5. Learned counsel for the applicants has submitted that the alleged recovery was not made in the presence of independent witnesses and that the sampling of the recovered narcotic and psychotropic substances was not conducted in accordance with Standing Order No. 89 and the mandatory provisions of Section 52 of the NDPS Act. It is, therefore, contended that the entire recovery proceeding is vitiated and illegal and that no offence under the NDPS Act is made out against the applicants. It is further submitted that the applicants have been falsely implicated in the present case, that none of them has any criminal history and that the charge-sheet has already been filed.

6. It has further been submitted that the alleged recovery of the injections and tablets containing Promethazine and Codeine is below commercial quantity. Learned counsel has relied upon the judgment in Muhammad Asageer v. NCB, passed in Criminal Misc. Bail Application No. 27291 of 2020, in support of his submissions.

7. Per contra, learned A.G.A., Sri Paritosh Malviya and Sri Nitesh Srivastava, have opposed the prayer for bail and submitted that the alleged recovery and sampling were conducted in the presence of the Gazetted Officer and that the samples were drawn in accordance with the prescribed procedure under the Narcotic Drugs and Psychotropic Substances Rules. It is, therefore, submitted that there has been due compliance with Section 52 of the NDPS Act.

8. Learned A.G.A. has further submitted that the quantity of the recovered cough syrup was 58(100ml each) and, in view of the law laid down by the Hon'ble Supreme Court in **Hira Singh v.**

Union of India, the entire mixture is required to be taken into consideration while determining the quantity of the narcotic substance. On such calculation, the recovered quantity is stated to be approximately 5.8 kg, which is much above the commercial quantity.

9. It has also been submitted that applicants in the circumstances of the present case, cannot claim the benefit of the exception applicable to pharmaceutical preparations used for medical purposes, since the applicants were allegedly found in possession of the said preparation without any valid licence or authority and in a quantity far exceeding the permissible limit. It is, therefore, contended that the recovered Omerax syrup would attract the provisions of the NDPS Act.

10. Learned A.G.A. has further submitted that even if the recovered injections are assumed to be below commercial quantity, the quantity of Codeine contained in the recovered cough syrup is above the commercial quantity in view of Section 37 of the NDPS Act, and the applicants are not entitled to bail.

11. I have heard the submissions of learned counsel for the rival parties and perused the record.

12. Considering the fact that it is not dispute the recovered tablets and injections contains quantity of narcotic drugs and psychotropic substance below the commercial quantities however, 58 bottles of Omerax codeine based cough syrup from the possession of three accused persons itself is not a narcotic drugs and there is no material that the applicants were having the same for the purpose of transporting or selling it for intoxication and there is no public witness of the aforesaid recovery and none of the applicants has criminal history and charge sheet has been filed and keeping in view the nature of offence, evidence, complicity of accused and taking into account overcrowded jails

and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC Online SC 3038** as well as guideline of this Court in the case of **Maya Tiwari vs State of U.P.** reported in **2024 SCC Online All 6765** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicants are entitled to be enlarged on bail.

13. Let the applicants- **Kul Narayan, Suraj Kumar Kharwar and Chetnarayan Choudhary** involved in the aforementioned crime be released on bail, on their furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned.

14. The applicant shall be released on bail on the conditions mentioned at the tail end of this judgment.

83. CRIMINAL MISC. BAIL APPLICATION No. - 16478 of 2026
(Rehan Alam Raeen Vs. State of U.P.)

1. Heard learned counsel for the applicant, Shri Paritosh Malviya, learned AGA for the State-respondents, and perused the record.2. This bail application has been moved on behalf of accused-applicant, Rehan Alam Raeen, seeking enlargement on bail in Case Crime No.45 of 2006, under Sections 8/22/23/29 of NDPS Act, Police Station Thuthibari, District Maharajganj during the pendency of the trial before the Court below.

3. As per the prosecution story, the applicant was travelling in an Ertiga car bearing registration No. UP-53-DF-6009 and was intercepted while entering India from the Nepal border. Upon search of the vehicle, two cardboard boxes were allegedly recovered, each containing 100 bottles of Codeine cough syrup. In addition, a sum of ₹8,500/- in Indian currency and ₹150/- in

Nepalese currency was recovered from the personal search of the applicant.

4. Learned counsel for the applicant submits that the two cardboard boxes contained 200 bottles of Codeine-based cough syrup and that the applicant was driver of the vehicle in question and at per the instruction of car owner, he was transporting the two cartons to Nepal for delivery, without any knowledge of their contents. It is, therefore, submitted that the applicant had no conscious possession of the alleged cough syrup. Therefore he has not committed any offence.

5. It is further submitted that the applicant has no criminal history and that the charge-sheet has already been filed.

6. Per contra, learned counsel for the State-respondent has vehemently opposed the prayer for bail and submitted that the applicant was found in possession of 200 bottles(each 100ml) containing Codeine cough syrup and could not produce any document to establish that the same were being transported for medical purposes. It is submitted that the recovered Codeine preparation shall be treated as a narcotic substance and, since the vehicle was being driven by the applicant, therefore the applicant cannot be escaped from the liability merely by claiming that he was unaware of the contents of the cartons. Accordingly, it is submitted that the applicant is not entitled to be enlarged on bail.

7. I have heard the submissions of learned counsel for the rival parties and perused the record.

8. Considering the fact that the applicant was driver of the car and he was transporting two corrugated sealed cardboard boxes having 100 bottles of codeine based cough syrup each and which was being transported by him at the instructions of car owner's son without being consciousness about the contents therein.

Therefore considering the small number of bottles(200) of cough syrup having permitted quantity of codiene and taking into account that the applicant is driver of the vehicle but not aware about the actual contents in the sealed cardboard boxes and there is no material showing that the above 200 bottles of codeine based cough syrup are being transported for the purpose of other than medical use and taking into account the applicant has no criminal history; coupled with the fact that charge sheet has been filed and keeping in view the nature of offence, evidence, complicity of accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC Online SC 3038** as well as guideline of this Court in the case of **Maya Tiwari vs State of U.P.** reported in **2024 SCC Online All 6765** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

9. Let the applicant- **Rehan Alam Raeen** involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned.

10. The applicant shall be released on bail on the conditions mentioned at the tail end of this judgment.

84. Crl Misc. Bail Application No. 27164 of 2026 (Ghanshyam Vs. State of U.P.)

1. Heard Sri Udai Karan Saxena, learned Senior Advocate assisted by Ms. Divya Yadav, learned counsel for the applicant, Sri Anoop Trivedi, learned A.A.G. for the State and perused the record.

2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No. 235 of 2025, under Sections 8/21/26(D)/29 N.D.P.S. Act and Section 61(2), 318(4), 338, 336(3), 340(2) of B.N.S., P.S. Kotwali, District-Varanasi, during the pendency of the trial.

3. Learned counsel for the applicant submitted that the applicant was not named in the FIR; subsequently, during the course of investigation, the applicant has been falsely implicated in the present case merely on the ground that, though as per the e-way bill provided by the applicant, he purchased 3,29,000/- bottles of new Phensedyl (codeine-based cough syrup), he did not take actual delivery of the same. It is further submitted that the applicant is a licence holder in medicines; therefore, during the course of business, he purchased 3,29,000/- bottles of new Phensedyl (codeine-based cough syrup) and further sold these bottles to five different firms. The price of the purchased cough syrup was also transferred to Saili Traders after receiving payment from the five firms to whom the applicant had further sold the above cough syrup. It is further submitted that there is no material showing that the bottles of new Phensedyl cough syrup purchased by the applicant were misused by him by transporting the same for intoxication. It is also submitted that merely because some of the bottles purchased by the applicant were found in Tripura and West Bengal does not make him liable, as the same may have been misused by the firms which had purchased the cough syrup from the applicant. It is further submitted that the applicant has no criminal history. It is further submitted that the charge sheet has been filed in the present case; therefore, custodial interrogation is not required. The applicant is a law-abiding citizen and has been languishing in jail since 08.02.2026. If he is granted bail, he will not misuse his liberty and will cooperate in the trial proceedings.

4. Per contra, learned AAG has vehemently opposed the prayer for bail and submitted that as per the traceability report of the concerned toll plaza, the vehicles shown in the e-way bills, the purchased bottles were transported to the godown or shop of the applicant, whereas the same were recovered from different parts of the country, including Tripura and West Bengal. It is further submitted that the GST e-way bills provided by the applicant show that he had sold the purchased cough syrup from Saili Traders to five different firms, namely, Welcome Pharma, Shri Balaji Traders, Sana Medicals, Bhairav Medicals and Akash Distributors, which were found to be non-existent and, during the course of investigation, it was found that these firms neither transported of the purchased Phensedyl bottles nor had any stock of the same. Therefore, all the Phensedyl cough syrup which the applicant purchased had been diverted for intoxication. It is further submitted that the account transactions show that the applicant had transferred Rs. 5,27,35,407/ to the account of Saili Traders towards the sale of Phensedyl bottles by Saili Traders to the applicant's firm, without actually receiving the consignment of the purchased bottles. He prepared forged invoices showing the purchase of Phensedyl bottles from Saili Traders, whereas, in fact, the same were diverted by Saili Traders at different places for using as intoxicants. It is also submitted that the vehicles mentioned in the e-way bills for transporting the cough syrup by the applicant to different firms were found to be motorcycles, e-rickshaws, government vehicles, and, in some cases, non-existing vehicles. It is also submitted that the owner of the rented shop of the applicant, stated that although he had given the shop to the applicant on rent, the shop was only occasionally opened. There was no actual storage of any medicine therein. Therefore, it is also submitted that the applicant is involved in a conspiracy with Saili Traders by preparing forged purchase invoices to divert the Phensedyl bottles for a purpose other than medicinal use.

5. I have heard the submissions of learned counsel for the rival parties and perused the record.

6. Considering the submissions and taking into account the fact that it is not in dispute that the applicant has purchased 3,39,000/- bottles of new phensedyl cough syrup having permitted quantity of codeine and applicant has subsequently sold these bottles of new phensedyl to five different firm but vehicle numbers mentioned in the E-way Bills regarding transporting of bottles from the firm of the applicant to five purchaser firms, belong to e-rickshaw, ambulance and government vehicles as well as none existing vehicle. It was also found during investigation that above bottles of same batch allegedly purchased by the applicant from the Saili Traders were recovered from Tripura and West Bengal during illegal transportation for the purposes other than medical use. Though the applicant has transferred Rs. 5,27,35,407/- in the account of Saili Traders and there is no material showing the above actual delivery of any medicine including cough syrup to the applicant. These facts indicate the diversion of the huge quantity of codeine based cough syrup for the purpose other than medical use, therefore, this Court is not inclined to release the applicant on bail.

7. Therefore, his bail application is rejected.

85. Crl Misc. Bail Application No. 25007 of 2026 (Anant Dev Vs. State of U.P.)

1. Heard Km. Ashra, learned counsel for the applicant and Paritosh Malviya, learned A.G.A. for the State, and perused the record.

2. The present bail application has been filed with a prayer to release the applicants on bail during trial in Case Crime No.977 of 2025, under Sections 318(4), 336(3), 338, 340(2), 61(2), 3(5) BNS

and 26, 8/21 NDPS, Police Station- Kotwali City, District- Bijnor during the pendency of the trial.

3. As per the prosecution story, a medicine shop, run by a partnership firm M/s Shiv Shakti Bala Ji Medicos, Bijnor, having two partners, Arun Kumar and Shivanshu Singh. Investigation revealed that the partnership firm M/s Shiv Shakti Bala Ji Medicos, Bijnor, purchased 48,345 bottles of codeine cough syrup-Lykarex from Cadiz Life science, Ghaziabad, but during inspection by drugs Inspector M/s Shiv Shakti Bala Ji Medicos, Bijnor did not show any document regarding the sale of the same. However, in the confessional statement of co-accused Arun Kumar (one of the partners of M/s M/s Shiv Shakti Bala Ji Medicos, Bijnor), he admitted to have purchased 48,345 bottles(100ml each) of codeine cough syrup (Lykarex-T) as a drug licence holder. He also admitted that he sold many codeine-based cough syrups to one Punit without any prescription, and Punit further sold the same to Anant Dev (present applicant), who further sold it to Wamik Ali, who used to sell the same in Jammu & Kashmir through co-accused Gulfam.

4. It is further submitted that the applicant was not named in the FIR. His name surfaced as an accused in the statements of co-accused Arun Kumar and Wamik Ali, as well as three alleged witnesses, namely, Aas Mohammad, Rizwan and Wajid. Still, no codeine syrup or document was recovered from the applicant's possession. Therefore, there is no material against the applicant. It is further submitted that the applicant has explained the criminal history of one case. It is further submitted that the charge sheet has been filed in the present case; therefore, there is no requirement of custodial interrogation. The applicant is a law-abiding citizen and has been languishing in jail since 18.11.2025. If he is granted bail, he will not misuse his liberty and will cooperate in the trial proceedings.

5. Per contra, learned A.G.A. has vehemently opposed the prayer for bail and submitted that the name of the applicant surfaced as an accused in the statement of one Aas Mohammad, who was a taxi driver, as well as in the statements of co-accused Arun Kumar and Wamik Ali and other two witnesses, Rizwan and Wajid. It is further submitted that the CDR report of the applicant's mobile phone shows that the applicant was in continuous touch with co-accused Punit, Wamik, and Gulfam. Therefore, the applicant is a part of the conspiracy to divert the codeine cough syrup for intoxication in Jammu & Kashmir. Therefore, the applicant is not entitled to be released on bail.

6. I have heard the submissions of learned counsel for the rival parties and perused the record.

7. Considering the aforesaid submissions that allegation against the applicant is that he used to purchase codeine based cough syrup from co-accused Puneet and then sold to co-accused Wamik Ali who was involved in illegal transportation of codeine based cough syrup to Jammu and Kashmir through one Gulfam. However, there is no material against the present applicant except confessional statement of co-accused persons coupled with the fact that charge sheet has been filed and keeping in view the nature of offence, evidence, complicity of accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC Online SC 3038** as well as guideline of this Court in the case of **Maya Tiwari vs State of U.P.** reported in **2024 SCC Online All 6765** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

8. Let the applicant- **Anant Dev** involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned.

9. The applicant shall be released on bail on the conditions mentioned at the tail end of this judgment.

86. CrI Misc. Bail Application Nos. 25031 of 2026 (Akash Chauhan Vs. State of U.P.) and 24890 of 2026 (Tushar Kumar Vs. State of U.P.)

1. Heard Sri Amit Daga, Senior Advocate assisted by Sri Gaurav Srivasta, learned counsel for the applicant and Sri Paritosh Malviya, learned AGA for the State.

2. The bail application Nos. 25031 of 2026 and 24890 of 2026 have been filed, praying for release of the applicants on bail during trial in Case Crime No. 0978 of 2025, under Sections 318(4), 61(2), 3(5) BNS and 26, 8/21 NDPS Act, Police Station- Kotwali City, District- Bijnor.

3. The above two bail applications arise out of the same case crime number; therefore, the same is being decided by this common order.

4. As per the prosecution story, during the inspection of a medicine shop, namely, M/s S.V. Medical Store, Bijnor (firm partners- Mr Akash Chauhan and Mr.Tushar Kumar), by the Drug Inspector on 18.11.25, it was found that this firm purchased 48,447 bottles of codeine cough syrup Lykarex-T from Cadiz Life Science, Ghaziabad, but M/s S.V. Medical Store did not show any document regarding sale of the same. However, in the confessional statement of Akash Chauhan, who was one of the partners and also the competent person of M/s S.V. Medical Store, admitted to purchase 48,447 bottles of codeine cough syrup as a drug licence holder. He also admitted that he sold

many codeine-based cough syrups to one Puneet without any prescription, and Puneet sold the same to Anant, who further sold it to Wamik Ali, who sold the same in Jammu & Kashmir for intoxication.

5. Learned counsel for the applicants has submitted that the applicants are partners in M/s S.V. Medical Store, Bijnor, and the Drug Inspector inspected the medical shop of the applicants and, on checking the documents, it was found that the firm of the applicants purchased 48,447 bottles of codeine syrup, namely Lykarex-T, having permitted codeine and used as a cough suppressant medicine. The allegations against the applicants are that they sold the cough syrup to co-accused Puneet without a medical prescription or keeping any record, as required under the Drugs and Cosmetics Act, 1985.

6. Contention of learned counsel for the applicants is that the firm of the applicants is having drug licence as retailers and have a valid E-way Bill of the GST Department for transporting the aforesaid purchased codeine based syrup from Cadiz Life Science, Ghaziabad. It is further submitted that the names of the applicants came into the picture when certain bottles of codeine-based syrup was recovered from Jammu and Kashmir, which belonged to the same batch number as purchased by the applicants from Cadiz Life Science. Allegations against the applicants' firm are that though the it is authorised to sell and purchase of codeine-based cough syrup, but they sold it to co-accused Puneet without maintaining any record or knowing the actual purpose for which the purchaser, Puneet had purchased it. Therefore, this could be a violation of the Drugs and Cosmetics Act, and the applicants have been falsely implicated under the NDPS Act, as LykarexT is not a manufactured drug under Entry 35 of the Notification dated 18.11.1985. The police have filed the charge sheet; therefore, there is no requirement for custodial

interrogation. The applicant has explained the criminal history of one case in the accompanying affidavit.

7. Per contra, learned AGA for the State vehemently opposed the prayer and submitted that though it is not in dispute that the applicants have validly purchased 48447 bottles of codeine based syrup Lykarex-T(between 19.4.25 to 13.11.25), they sold these bottles to Puneet (within 7 months) without keeping the record of the purchasers and medical prescription. However, the same is required to be maintained as per the Drugs and Cosmetics Act. CDRs of the mobile phones of both the applicants show conversations with Puneet, Anant, Wamik and Gulfam. Therefore, the above facts show that the applicants knowingly sold the codeine-based syrup for purposes other than medical use; therefore, the applicants are entitled to be released on bail.

8. I have heard the submissions of learned counsel for the rival parties and perused the record.

9. Considering the aforesaid submission, it is not in dispute that the applicant's firm Shiv Shakti Medical purchased 48,447 bottles of codeine based cough Lykarex-T and sold the same within seven months(about 7000 bottles per months) without any medical prescription. CDR mobile of the applicants also show that they were in regular touch with other co-accused like Puneet, Wamik Ali and Gulfam, who were involved in selling and transporting the cough syrup from U.P. to Jammu and Kashmir for the purpose of intoxication. The applicants could not produce any document regarding the sale of 48,447 bottles of codeine based cough syrup or stock thereof, therefore, the applicants were aware about the use of codeine based cough syrup for intoxication. Therefore, this Court is not inclined to release the applicants on bail.

10. Accordingly, the bail application is **rejected**.

87. Crl Misc. Bail Application No. 19867 of 2026 (Wamik Ali vs State of U.P.)

1. Heard Sri Balbir Singh, learned counsel for the applicant and Sri Paritosh Malviya, learned AGA for the State.

2. The present bail application has been filed with a prayer to release the applicants on bail during trial in Case Crime No. 0978 of 2025, under Sections 318(4), 61(2), 3(5) BNS and 26, 8/21 NDPS Act, Police Station- Kotwali City, District- Bijnor.

3. As per the prosecution story, during the inspection of a medicine shop, namely, M/s S.V. Medical Store, Bijnor(firm partners- Mr Akash Chauhan and Mr.Tushar Kumar), by the Drug Inspector on 18.11.25, it was found that this firm purchased 48,447 bottles of codeine cough syrup Lykarex-T from Cadiz Life Science, Ghaziabad, but M/s S.V. Medical Store did not show any document regarding sale of the same. However, in the confessional statement of Akash Chauhan, who was one of the partners and also the competent person of M/s S.V. Medical Store, admitted to purchase 48,447 bottles of codeine cough syrup as a drug licence holder. He also admitted that he sold many codeine-based cough syrups to one Puneet without any prescription, and Puneet sold the same to Anant, who further sold it to Wamik Ali, who sold the same in Jammu & Kashmir for intoxication

4. It is further submitted that the applicant was not named in the FIR. His name surfaced in the statements of co-accused Akash and Puneet as well as in the statements of witnesses Rizawan and Aas Mohammad (taxi driver). The allegation against the applicant is that the applicant was involved in the purchasing of phensedyl cough syrup from co-accused Puneet and sold it to Gulfam, who is an agent to supply the same in Jammu and Kashmir for intoxication. However, no phensedyl bottles or

documents were recovered from the applicant's possession to show that the applicant was involved in the conspiracy of diverting phensedyl cough syrup for intoxication. The applicant has explained the criminal history of one case in the accompanying affidavit. The charge has been filed; therefore, there is no requirement for custodial interrogation.

5. Per contra learned AGA vehemently opposed the prayer and submitted that name of the applicant was surfaced not only in the statement of co-accused but also in the statement of witnesses Aas Mohammad (taxi driver) and Rizwan regarding his involvement in purchasing of codeine based cough syrup from Anant Dev and then sold it to Gulfam and CDR report of the mobile phone of the applicant also shows that he was in continuous touch with the other co-accused Gulfam and Puneet, therefore, the applicant is not entitled to be released on bail.

6. I have heard the submissions of learned counsel for the rival parties and perused the record.

7. Considering the aforesaid submissions and taking into account the allegation against the applicant is he after purchasing the codeine based cough syrup from Anant Dev further sold to it Gulfam who was allegedly involved in illegal selling of codeine based cough syrup in Jammu and Kashmir but there is no material against the applicant except the confessional statement of co-accused as well as statement of taxi driver Aas Mohammad regarding purchase and sale of codeine based cough syrup coupled with the fact that charge sheet has been filed and keeping in view the nature of offence, evidence, complicity of accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC Online SC 3038** as well as guideline of this

Court in the case of **Maya Tiwari vs State of U.P.** reported in **2024 SCC Online All 6765** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

8. Let the applicant- **Wamik Ali** involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned.

9. The applicant shall be released on bail on the conditions mentioned at the tail end of this judgment.

88. Cri. Misc. Bail Application no.19913 of 2026 (Wamik Ali Vs. State of U.P.)

1. Heard Sri Balbir Singh, learned counsel for the applicant and Sri Paritosh Malviya, learned AGA for the State.

2. The present bail application has been filed with a prayer to release the applicants on bail during trial in Case Crime No.977 of 2025, under Sections 318(4), 336(3), 338, 340(2), 61(2), 3(5) BNS and 26, 8/21 NDPS, Police Station- Kotwali City, District- Bijnor.

3. As per the prosecution story, during the inspection of a medicine shop, namely, M/s Shiv Shakti Balaji Medicos, Bijnor(firm partners- Mr Arun kumar and Mr.Shivanshu Singh), by the Drug Inspector on 18.11.25, it was found that this firm purchased 48,345 bottles of codeine cough syrup Lykarex-T from Cadiz Life Science, Ghaziabad, but M/s Shiv Shakti Balaji Medicos did not show any document regarding sale of the same. However, in the confessional statement of Akash Chauhan, who was one of the partners and also the competent person of M/s Shiv Shakti Balaji Medicos, admitted to purchase 48,345 bottles of codeine cough syrup as a drug licence holder. He also admitted that he sold many codeine-based cough syrups to one Puneet

without any prescription, and Puneet sold the same to Anant, who further sold it to Wamik Ali, who sold the same in Jammu & Kashmir for intoxication

4. It is further submitted that the applicant was not named in the FIR. His name surfaced in the statements of co-accused Arun and Puneet as well as in the statements of witnesses Rizawan and Aas Mohammad (taxi driver). The allegation against the applicant is that the applicant was involved in purchasing the phensedyl cough syrup from co-accused Puneet and sold it to Gulfam, who is an agent of Jammu and Kashmir for intoxicants. However, no phensedyl bottles or documents were recovered from the applicant's possession to show that the applicant was involved in the conspiracy of diverting phensedyl cough syrup for intoxication. The applicant has explained the criminal history of one case in the accompanying affidavit. The charge has been filed; therefore, there is no requirement for custodial interrogation.

5. Per contra learned AGA vehemently opposed the prayer and submitted that name of the applicant was surfaced not only in the statement of co-accused but also in the statement of witnesses Aas Mohammad (taxi driver) and Rizwan regarding involvement and purchasing of codeine based cough syrup from Anant Dev and then sold it to Gulfam and CDR report of the mobile phone of the applicant also shows that he was in continuous touch with the other co-accused Gulfam and Puneet, therefore, the applicant is not entitled to be released on bail.

6. I have heard the submissions of learned counsel for the rival parties and perused the record.

7. Considering the aforesaid submissions and taking into account the allegation against the applicant is he after purchasing the codeine based cough syrup from Anant Dev further sold to it Gulfam who was allegedly involved in illegal selling of codeine

based cough syrup to Jammu and Kashmir but there is no material against the applicant except the confessional statement of co-accused as well as statement of taxi driver Aas Mohammad regarding purchase and sale of codeine based cough syrup coupled with the fact that charge sheet has been filed and and keeping in view the nature of offence, evidence, complicity of accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC Online SC 3038** as well as guideline of this Court in the case of **Maya Tiwari vs State of U.P.** reported in **2024 SCC Online All 6765** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

8. Let the applicant- **Wamik Ali** involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned.

9. The applicant shall be released on bail on the conditions mentioned at the tail end of this judgment.

89. Crl. Misc. Bail Application No. 22162 of 2026 (Anant Dev Vs. State of U.P.)

1. Heard Km. Ashra, learned counsel for the applicant, Sri Paritosh Malviya, learned A.G.A for the State and perused the record.

2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No. 978 of 2025, under Sections 318(4), 61(2) and 3(5) of Bhartiya Nyaya Sanhita of B.N.S., 2023 and Section 26, 8/21 of Act, Police Station Kotwali Shahar, District Bijnor, during the pendency of the trial.

3. As per the prosecution story, during the inspection of a medicine shop, namely, M/s S.V. Medical Store, Bijnor(firm partners- Mr Akash Chauhan and Mr.Tushar Kumar), by the Drug Inspector on 18.11.25, it was found that this firm purchased 48,447 bottles of codeine cough syrup Lykarex-T from Cadiz Life Science, Ghaziabad, but M/s S.V. Medical Store did not show any document regarding sale of the same. However, in the confessional statement of Akash Chauhan, who was one of the partners and also the competent person of M/s S.V. Medical Store, admitted to purchase 48,447 bottles of codeine cough syrup as a drug licence holder. He also admitted that he sold many codeine-based cough syrups to one Puneet without any prescription, and Puneet sold the same to Anant, who further sold it to Wamik Ali, who sold the same in Jammu & Kashmir for intoxication

4. It is further submitted that the applicant was not named in the FIR. His name surfaced as an accused in the statements of co-accused Akash Chauhan and Wamik Ali, as well as three alleged witnesses, namely, Aas Mohammad, Rizwan and Wajid. Still, no codeine syrup or document was recovered from the applicant's possession. Therefore, there is no material against the applicant. It is further submitted that the applicant has explained the criminal history of one case. It is further submitted that the charge sheet has been filed in the present case; therefore, there is no requirement of custodial interrogation. The applicant is a law-abiding citizen and has been languishing in jail since 18.11.2025. If he is granted bail, he will not misuse his liberty and will cooperate in the trial proceedings.

5. Per contra, learned A.G.A. has vehemently opposed the prayer for bail and submitted that the name of the applicant surfaced as an accused in the statement of one Aas Mohammad, who was a taxi driver, as well as in the statements of co-accused Akash

Chauhan and Wamik Ali and two witnesses, Rizwan and Wajid. It is further submitted that the CDR report of the applicant's mobile phone shows that the applicant was in continuous touch with co-accused Punit, Wamik, and Gulfam. Therefore, the applicant is a part of the conspiracy to divert the codeine cough syrup for intoxication in Jammu & Kashmir. Therefore, the applicant is not entitled to bail.

6. I have heard the submissions of learned counsel for the rival parties and perused the record.

7. Considering the fact that allegation against the applicant is that he used to purchase codeine based cough syrup from co-accused Puneet and then sold to co-accused Wamik Ali who was involved in illegal transporting codeine based cough syrup in Jammu and Kashmir through one Gulfam. However, there is no material against the present applicant accept confessional statement of co-accused persons coupled with the fact that charge sheet has been filed and keeping in view the nature of offence, evidence, complicity of accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC Online SC 3038** as well as guideline of this Court in the case of **Maya Tiwari vs State of U.P.** reported in **2024 SCC Online All 6765** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

8. Let the applicant- **Anant Dev** involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned.

9. The applicant shall be released on bail on the conditions mentioned at the tail end of this judgment.

90. Crl. Misc. Bail Application No. 18776 of 2026 (Vibhor Rana Vs. State of U.P.) and Crl. Misc. Bail application No. 18771 of 2026 (Vishal Singh Vs. State of U.P.)

1. Heard Sri Nipun Singh, Senior Advocate assisted by Sri Raghuvansh Mishra, Naman Agarwal and Vivek Chaturvedi, learned counsel for applicant and Sri Anoop Trivedi, learned AAG for the State.

2. Both the aforesaid bail applications arise out of same case crime, therefore, both the cases are decided by common order.

3. Both the bail applications have been filed with prayer to released the applicants on bail during trial in Case Crime No.0691 of 2025, under Sections 336(3), 319(2), 318(4) 3(5) B.N.S. & 8, 22, 29, 37, 60 NDPS Act, Police Station-Nandgram, District-Nagar (Commissionerate- Ghaziabad),

4. As per the prosecution story, on the basis of information received from informer, Police party raided at Machhli Godam, Police Station Nandgram, District Ghaziabad. During this raid, one Saurabh Tyagi was arrested from the spot while he was supervising the loading and unloading of the consignment of the two trucks (NL01AH3832, MP16H1328) and two Eicher Canters bearing no.HR38AC2960 and UP14GT4520, were also standing there. On inspection, 1,57,350 bottles of codeine based cough syrup (ESKUF ,New Phensedyl) was recovered. Apart from this 19 strips of Tapentadol extended tablets, cash of Rs.20 Lakhs, 10 mobiles ,2 laptops, Invoices as well as e-way bills regarding purchase of cough syrup by M/s A K Pharma and other documents were also recovered from the Creta Car of Saurabh Tyagi. Several other persons were also arrested from the spot. Confession of Saurabh Tyagi and Santosh Bhadana and statements of other drivers and cleaners were recorded.

Thereafter on the basis of statement of Saurabh Tyagi, FIR was lodged against 17 persons.

5. Learned counsel for the applicants submitted that the applicants were not named in the FIR. It is further submitted that neither Saurabh Tyagi, in his statement, nor any other accused arrested on the spot made any allegation against the applicants. However, in the second statement of Saurabh Tyagi, the name of the applicants surfaced with the allegation that applicant (Vibhor Rana) opened M/s A.V. Pharma proprietorship concerned in the name of his employee Abhishek Sharma, and same was being personally handled by Vibhor Rana. Abhishek Sharma was also named in the FIR and he filed Criminal Misc. Writ Petition No.26006 of 2025 against this FIR in which interim order was also granted on 20.11.2025 and his arrest was stayed till conclusion of investigation. Thereafter, the confessional statement of Abhishek Sharma was recorded, in which he stated that his firm was being controlled by Saurabh Tyagi ,who, along with Vibhor Rana was involved in purchasing and selling of the codeine based cough syrup and Saurabh Tyagi also shared profit with Vibhor Rana, therefore, same story was also mentioned in the statement of co-accused Pappan Yadav.

6. Learned counsel for the applicants also submitted that investigating officer could not found any suspicious transaction in the bank account of the applicants except certain transactions among the family members. He further submitted that there is no material available against the applicants and they have been falsely implicated in the present case on the basis of confessional statement of co-accused and there is no recovery showing the involvement of applicants indulged in illegal activities of sale and transport of codeine based syrup. It is lastly submitted that applicant (Vibhor Rana) has explained criminal history of 3 cases and charge-sheet has also been filed in the present matter.

7. Learned counsel for the applicant further submitted that the applicant Vishal Singh (in Bail application No. 18771 of 2026) was neither named in the FIR nor came into the picture in the confessional statement of co-accused or any other witnesses. He has been falsely implicated because he has issued experience certificates to different firms, who were involved in dealing and transporting the cough syrup, as well as the transaction between the applicant Vishal Singh and Saurabh Tyagi and also co-accused Abhishek Sharma.

8. Per contra, Sri Anoop Trivedi, learned AAG, vehemently opposed the prayer and submitted that during investigation, it was found that the applicant- Vibhor Rana was the proprietor of M/s G.R. Trading, Saharanpur. However, it had stopped to sale and purchase of phensedyl cough syrup in year 2022, but new firm, namely Maruti Medicos, was formed by the applicant- Vibhor Rana in the name of one Sachin though earlier the same was known as Sachin Medicos, Roorkee. It was also found that several money transactions were made between G.R. Trading as well as Maruti Medicos. It is further submitted that C.A., who filed the income tax return on behalf of the applicants (Vibhor Rana as well as Vishal Singh) stated in his statement recorded under Section 180 BNSS that the applicant Vibhor Rana requested him for a bank guarantee of rupees one crore for Maruti Medicos to get the super dealership of Abbott Laboratories thereafter, cash of rupees one crore was arranged by him through a person on interest. It is further submitted that the aforesaid Maruti Medicos, after purchasing codeine cough syrup from Abbott Laboratories, sold it to A.V. Pharma, which was handled by the applicant through his employee Abhishek Sharma. The aforesaid cough syrup sold by Maruti Medicos to A.V. Pharma was recovered at Lucknow as well as Tripura during illegal transportation for the purpose of intoxication. It is further submitted that during investigation, this fact was also unearthed that the email ID of M/S

A.V. Pharma was logged in from the mobile of the applicant Vibhor Rana. Therefore, the applicant- Vibhor Rana was indirectly running M/S A.V. Pharma. It is also submitted that Abhishek Sharma, who was the proprietor of M/S A.V. Pharma on papers, deposited Rs.57,37,268/- lakh in the account of the applicant Vibhor Rana between 2019 to 2025 and Vibhor Rana also transferred Rs.31,88,946/- in the account of Abhishek Sharma during the same period. Apart from this Abhishek Sharma also deposited Rs.11,93,000 between 15.02.2023 to 15.01.2025 in the account of Vibhor Rana's sister-in-law (wife of applicant Vishal Singh). It was further submitted that for opening Sachin Medico at Saharanpur as well as several other firms, experience certificate was given by co-accused Vishal Singh. Co-accused Saurabh Tayagi had also deposited money in the account of applicant Vishal Singh. It is also submitted that there was 95 inter bank transactions between Vishal Singh and Vibhor Rana amounting to Rs. 1,15,17,252/-. Investigation also revealed that WhatsApp chats of CA Rakesh Kanaujiya with the applicants show that the M/S Sachin Medicos, M/s Maruti Medico and M/s A.V. Pharma were being controlled by them. It is also submitted by learned AAG that investigation further revealed that sales of codeine based syrup by 66 shell firms situated in Uttarakhand to M/S A.V. Pharmaceutical were carried out through a single IP address indicating the use of common internet connection/router and very same IP address was also used by M/s Maruti Medico, Roorkee while recording sales made by it to the aforesaid shell firms.

9. It is also submitted that the firm Sachin Medicos, Saharanpur was having shop on rent which was owned by the mother of applicant Vishal Singh. It is also submitted that initially G.R. Trading, Saharanpur was dealing in 108 firms for codeine syrup and after stopping business by G.R. Trading, Maruti Medicos started supplying codeine syrup to those 108 firms and some of the firms sold the codeine syrup to Sachin Medicos at

Saharanpur, which was indirectly being controlled by the applicants Vibhor Rana and Vishal Singh though it is admitted that name of the co-accused Vishal Singh was not surfaced in the confessional statement of co-accused or any witnesses except the statement of C.A., Rajesh Kanauiya. It is also submitted that at the time of arresting of co-accused Saurabh Tyagi and Subham Bhadana on 04.11.2025, one mobile phone belongs to Abhishek Sharma, was also recovered which shows that A.V. Pharma is being controlled by Saurabh Tyagi.

10. In support of his contention relied upon the judgement in the case of **Baburao Bajirao Patil vs State of Maharashtra in Criminal Appeal No. 201 of 1996** as well as in the case of **Devender Pal Singh vs State of N.C.T. of State of Delhi in Criminal Appeal No. 993 of 2001**, wherein Hon'ble Apex Court observed that in confessional statement if proved is relevant in conspiracy under Section 30 of Evidence Act.

11. In reply to the submission of learned AAG, learned counsel for the applicant submitted that the documents relied upon by the State for further investigation are not admissible because no permission was taken from the court concerned for further investigation. It is submitted that the section invoked against the applicant is regarding transactions dealing with psychotropic substance (Section 22 of NDPS). However, the alleged recovery of psychotropic substance Tapentadol 19 strips is having below commercial quantity; even otherwise, recovered strips of Tapentadol tablet from co-accused Saurabh Tyagi are not mentioned as psychotropic substance in any of the schedules under the NDPS Act; therefore, Section 29 of NDPS Act regarding the same cannot be invoked.

12. I have considered the submission of counsel for rival parties and perused the record. The applicants were not named in the FIR and subsequently 1,57,350 bottles of codeine based cough

syrup recovered from two trucks and two Eicher canters at Macchali Nagar, District Ghaziabad. During the above police raid mobile phone of Abhishek Sharma, proprietor of A.V. Pharma was recovered from co-accused Saurabh Tiyagi, who was arrested on spot and supervising the loading of codeine based cough in the trucks. After the confession of Abhishek Sharma, Proprietor of A.V. Pharma, mobile phone of the applicant was also checked and found that email -ID of AV Pharma was logged in through the mobile phone of Vibhor Rana. Thereafter C.A. of Vibhor Rana also stated regarding active involvement of the applicant in forming the Maruti Medicos after closing Sachin Medicos, Roorkee and arranging the dealership of phensedyl codeine syrup of Abbott laboratories for it. It was also found that earlier G.R. Enterprise of Vibhor Rana was selling codeine based cough syrup to 108 firms till 2022 and thereafter Maruti Pharma started selling the codeine based syrup to those firms. It was also found that same I.P. address was used by the 66 firms of Uttarakhand to sale the codeine based cough syrup to A.V. Pharma and same I.P. address was also used by Maruti Medicos showing that the entire transaction was conducted in one office. It was also found that there is material showing that after purchasing the codeine based syrup from Abbott Laboratories, Maruti Medico also sold it to A.V. Pharma and large part of the same batch number was recovered at Lucknow and Tripura during illegal transportation of codeine based syrup. This fact *prima facie* shows active involvement of the applicant Vibhor Rana in running A.V. Pharma, Maruti medicos which were involved in transporting huge codeine based syrup purchased from Abbott laboratories for the purpose other than medical use, which further substantiated by inter-bank transfer between the applicant Vibhor Rana and other co-accused. Therefore, this Court is not inclined to release the applicant (Vibhor Rana) on bail. **Therefore, bail application of Vibhor Rana is rejected.**

13. However, considering the fact that except issuance of experience certificate and some transaction by the proprietor A.V. Pharma, there is no other material against applicant Vishal Singh regarding illegal trafficking of codeine based cough syrup and also considering the fact that Vishal Singh was working as an officer in Abbott Laboratories having no criminal history and keeping in view the nature of offence, evidence, complicity of accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC Online SC 3038** as well as guideline of this Court in the case of **Maya Tiwari vs State of U.P.** reported in **2024 SCC Online All 6765** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

14. Let the applicant- **Vishal Singh** involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned.

15. The applicant shall be released on bail on the conditions mentioned at the tail end of this judgment.

91. Criminal Misc. Bail Application No.21530 of 2026 (Mukesh Pandey Vs. State of U.P.) along with Criminal Misc. Bail Application No.25269 of 2026 (Yogesh Tiwari Vs. State of U.P.) ,

1. Heard Sri Dinesh Kumar Pandey, learned counsel for the applicant in Criminal Misc. Bail Application No.21530 of 2026, Sri I.K. Chaturvedi, learned Senior Counsel assisted by Sri Saurabh Chaturvedi, learned counsel for the applicant in Criminal Misc. Bail Application No.25269 of 2026 and Sri Chandan Agrawal, learned AGA-I as well as Sri Sanjiv Kumar Sagar, learned AGA for the State.

2. Instant bail application has been filed with a prayer to release the applicant on bail during trial in Case Crime No.0113 of 2026, under Section 8/22/23/29 NDPS Act, Police Station Purandarpur, District Maharajganj.

3. As per the prosecution story, while the applicants were going towards Nepal, they were stopped by the police and checked the carton kept on the motorcycle. On checking the carton, 123 bottles (100ml each) of codeine cough syrup (CODISUN) and 960 tablets of Tramadol were recovered. The aforesaid recovery was made in the presence of a Gazetted Officer and the applicant could not produce any document regarding the purchase, use or transportation of the aforesaid medicines.

4. Learned counsel for the applicants further submitted that codeine syrup itself is not a narcotic drug; therefore, the provisions of the NDPS Act will not be attracted against the applicants, as the recovered codeine syrup itself can not be deemed to be above 1 kg.

5. Learned counsel for the applicants further submitted that the aforesaid recovered codeine cough syrup, as well as tablets containing the psychotropic substance tramadol, can be deemed to have been recovered from the joint possession of the applicants.

6. It is further submitted that the applicant (Yogesh Sharma) in Bail Application No.25269 of 2026 is having a drug licence under the Drugs and Cosmetics Act as a retailer of medicines; therefore, the recovered medicines cannot be treated as having been transported for a non-medical purpose. Therefore, the recovered medicines would not come within the category of manufactured drugs. It is further submitted that there is a violation of Sections 50 and 52-A of the NDPS Act. It is further submitted that the applicant Mukesh Pandey has no criminal history and applicant Yogesh Sharma has explained the criminal history of one case.

7. Learned counsel for the applicants submitted that the aforesaid recovery was not witnessed by independent witnesses and even the recovery was video-graphed through the mobile phone of the Sub-Inspector and not through the e-Sakshya App, which is a mandatory as per the BNS Rules 2024.

8. Per contra, learned AGA vehemently opposed the prayer for bail and submitted that both the applicants were found to be in possession of 123 bottles of codeine-based syrup and this syrup been approved as a medicine for cough; therefore, the same is to be treated as spurious drugs. Even otherwise, the recovered codeine syrup was not being transported for medical purposes and no document was shown regarding the transportation of the recovered medicines for medical purposes. Merely because applicant (Yogesh Tiwari) of Bail Application No.25269 of 2026 is having a licence as a drug retailer under the Drugs and Cosmetics Act in Gorakhpur, the same would not authorise him to transport and possess the said codeine-based syrup near the Nepal border. It is also submitted that the applicant(Yogesh Tiwari) in Bail Application No.25269 of 2026 has explained the criminal history of one case, though he has a criminal history of four cases, which has not been explained by him.

9. Learned AGA further submitted that proper procedure regarding preparing the inventory, seizure, storage, sampling and disposal as per the NDPS Rules, 2022 was prepared and the same was subsequently produced before the Magistrate for certification.

10. I have considered the submissions of learned counsel for the parties and perused the record.

11. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties as well as considering the fact that applicant Yogesh Tiwari (applicant in Bail Application No. 25269 of 2026) was having a drug licence as a retailer and the applicant Mukesh Pandey was driving the

motorcycle, whereupon applicant Yogesh Tiwari was the pillion rider along with cartons containing medicines and codeine-based cough syrup, which can not be presumed that the applicants were transporting the same for the purpose of intoxication, without any other evidence and keeping in view the nature of offence, evidence, complicity of the accused and taking into account the fact that the charge-sheet has already been filed and considering the overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC OnLine SC 3038** as well as guideline of this Court in the case of **Maya Tiwari Vs. State of U.P., 2024 SCC Online All 6765** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicants are entitled to be enlarged on bail. Accordingly, the present applications are **allowed**.

12. Let the applicants- **Mukesh Pandey and Yogesh Tiwari**, involved in the aforementioned crime be released on bail, on their furnishing personal bonds and two sureties each in the like amount, to the satisfaction of the court concerned.

13. The applicants shall be released on bail on the conditions mentioned at the tail end of this judgment.

92. Criminal Misc. Bail Application No.7622 of 2026 (Shivanshu Singh Vs. State of U.P.),

1. Heard Sri Gaurav Kakkar, learned Senior Counsel assisted by Sri Raghvendra Prakash, learned counsel for the applicant and learned AGA for the State.

2. Instant bail application has been filed with a prayer to released the applicant on bail during trial in Case Crime No.0977 of 2025, under Sections 318(4), 336(3), 338, 340(2), 61(2) BNS and Section 8/21 NDPS Act, Police Station Kotwali City, District Bijnor.

3. As per the prosecution story the Drug Department obtained information that M/s Shiv Shakti Balaji Medicos had purchased 10950 bottles of codeine syrup Lykarex-T syrup(between 30.4.25 to 28.6.25). On inspection shop of the firm was found to be closed at the address mentioned in the license. Thereafter, notice was issued to the partners of the aforesaid firm and in reply, it was mentioned though partnership firm was created through partnership deed but the same was re-constituted through Deed dated 15.07.2022 by which the applicant was retired and one Rishabh was admitted as new partner. Partner and Competent person the firm, Arun Kumar could not produce any document/bill regarding sale or stock of aforesaid 10,950 bottles of Lykarex-T.

4. Learned counsel for the applicant has submitted that as per the drug license of the firm in question, co-accused Arun Kumar has been shown as competent person as well as responsible for day to day affairs of the firm. Therefore, even if any liability arises regarding sale and purchase of any medicine, the same would be of Arun Kumar in view of Section 38 of the NDPS Act. It is further submitted that it is clear from the GST records as well as statement of GST official that in pursuance of the new partnership deed dated 15.07.2022, one Rishabh was admitted as a partner along with co-accused Arun Kumar. The entire delivery of the medicines was also taken by the new partner Rishabh Kumar and payment thereof was also made by him to the seller firm.

5. It is further submitted that the invoices which are subject matter of this case regarding purchase of codeine cough syrup, were issued on 03.05.2025, 17.05.2025 and 28.06.2025. On the said dates, applicant was not a partner in the firm. Therefore, no liability can be fastened upon the applicant. It is further submitted that though no case is made out against the applicant either under the BNS or under the NDPS Act and he has been falsely implicated in the present case and charge-sheet has also been filed. It is further submitted that applicant is not having any

previous criminal history, therefore, he is entitled to be released on bail.

6. Per contra, learned AGA, Sri Paritosh Malaviya, vehemently opposed the prayer for bail and submitted that applicant or his partner never gave any intimation to the Drug Department regarding retirement of the applicant as partner from the firm and even no intimation was given for cancellation of license for changing the same.

7. Learned AGA has also submitted that as per the terms and conditions of license issued to the applicant in case any change in the constitution of firm, the licensee should have informed the licensing authority and current license shall be valid only for three months until fresh license is issued in the name of firm which changed the constitution. It is also submitted that e-way bill and invoice also show that they contain the names of Rishabh and his wife Divya, however, license number of applicant's firm was mentioned therein. It is further submitted that several bottles of codeine-based syrup, which were allegedly purchased by the applicant's firm, were recovered in Jammu and Kashmir while being transported for the purpose of intoxication.

8. Learned AGA further submitted that though, applicant has annexed the re-constituted partnership deed showing the retirement of applicant from the firm but the change in constitution of the firm has not been intimated to Registrar Chit and Fund Society.

9. I have considered the submissions of learned counsel for the parties and perused the record.

10. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties, it is not in dispute that in the drug licence, co-accused Arun Kumar was shown as the competent person as well as person responsible for day-to-

day affairs of the pharma firm. On the dates of purchase of the cough syrup, i.e. 03.04.2025, 17.05.2025 and 28.06.2025, the applicant was not a partner of the firm, as he had already resigned from the partnership and one Rishabh Kumar was admitted as a partner vide partnership deed dated 15.07.2022, which is duly substantiated by the records of the GST Department, as well as considering Section 38 of the NDPS Act and keeping in view the nature of offence, evidence and complicity of the accused and taking into account the fact that the applicant has no criminal history and the charge-sheet has already been filed, and considering the overcrowded jails and heavy pendency of criminal cases before the trial courts, as well as considering the mandate of the judgment of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC OnLine SC 3038** as well as the guidelines of this Court in the case of **Maya Tiwari Vs. State of U.P., 2024 SCC Online All 6765** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail. Accordingly, the present application is **allowed**.

11. Let the applicant- **Shivanshu Singh**, involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned.

12. The applicant shall be released on bail on the conditions mentioned at the tail end of this judgment.

93. Criminal Misc. Bail Application No.12410 of 2026
(Zaheeruddin Vs. State of U.P.),

1. Heard Sri Prince Kumar Srivastava, learned counsel for the applicant and Sri Paritosh Malviya, learned AGA for the State.

2. Instant bail application has been filed with a prayer to released the applicant on bail during trial in Case Crime No.1085 of 2025,

under Sections 8/21/29 NDPS Act, Police Station Kotwali Khalilabad, District Sant Kabir Nagar.

3. As per the prosecution story, Drug Inspector inspected the medical shop of Sankalp Medical Store and during investigation, it was found that 4520 bottles of Codiva cough syrup (having permitted quantity of codeine) and capsule of Puroxowin Spas were recovered. Subsequently, it was found that Sankalp Medical Store had purchased 4220 bottles of Codiva cough syrup from Biohub Life Sciences in Lucknow.

4. Learned counsel for the applicant has submitted that applicant was not named in the FIR and name of the applicant surfaced during investigation on the basis of statement of proprietor of Sankalp Medical Store. The allegation is that 2185 bottles of Codiva cough syrup was sold to her by applicant's medical store. In support of her claim, she had also given invoices and counter bills showing the delivery of aforesaid bottles of syrup. It is further submitted that applicant has not purchased any cough syrup from the Sankalp Medical Store and forged invoices were prepared by the proprietor of Sankalp Medical Store just to show the sale without actually selling the same and counter receipt regarding the delivery does not show any receiving on the part of the applicant of the aforesaid cough syrup. Therefore, applicant has been falsely implicated in the present case.

5. It is further submitted that applicant has purchased only 150 bottles of Codiva cough syrup from the Sankalp Medical Stores and invoices thereof have been produced before the Drug Inspector and he, being retailer, sold 150 bottles of Codiva cough syrup to different purchasers but could not maintain the record as required by the Drugs and Cosmetics Rules, 1945. Therefore, it could be a case of violation of Drugs and Cosmetics Act and the provision of NDPS Act would not be attracted and the Codiva cough syrup is also not manufactured drug, in view of the

notification dated 14.11.1985 of the Government of India. It is further submitted that applicant has no criminal history.

6. Per contra, learned AGA has submitted that invoices produced by the Sankalp Medical Store shows that the applicant has purchased 2185 bottles of Codiva cough syrup but the same were not found at the medical store of the applicant and even no document was found regarding the sale of the same. Even the admitted purchase of Codiva cough syrup of 160 bottles had been sold by the applicant without medical prescription. Therefore, admitted sale of 160 bottles of Codeine cough syrup will be deemed for the purpose of intoxication and provision of NDPS Act would be attracted.

7. I have considered the submissions of learned counsel for the parties and perused the record.

8. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and taking into account the fact that the applicant was not named in the FIR; he is a medicine retailer having a drug licence and had purchased 150 bottles of codeine-based cough syrup, but the proprietor of Sankalp Medical Store had prepared invoices for 2,185 bottles of Codiva cough syrup without showing any actual delivery to the applicant and the applicant sold 150 bottles to different purchasers without maintaining proper record as required under the licence of the applicant, it cannot be presumed that the applicant sold the Codiva cough syrup for the purpose of intoxication. At the most, considering the very small number of bottles sold by the applicant over a long span of time, he may have committed an offence under the Drugs and Cosmetics Act and not under the NDPS Act and keeping in view the nature of offence, evidence and complicity of the accused and taking into account the fact that the applicant has no criminal history and the charge-sheet has already been filed, and considering the

overcrowded jails and heavy pendency of criminal cases before the trial courts, as well as considering the mandate of the judgment of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC OnLine SC 3038** as well as the guidelines of this Court in the case of **Maya Tiwari Vs. State of U.P., 2024 SCC Online All 6765** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail. Accordingly, the present application is **allowed**.

9. Let the applicant- **Zaheeruddin**, involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned.

10. The applicant shall be released on bail on the conditions mentioned at the tail end of this judgment.

94. Criminal Misc. Bail Application No.10322 of 2026 (Parmatma Prasad Chaudhary Vs. State of U.P.),

1. Heard Sri Musheer Khan, learned counsel for the applicant and Sri Paritosh Malviya, learned AGA for the State.

2. Instant bail application has been filed with a prayer to released the applicant on bail during trial in Case Crime No.1085 of 2025, under Sections 8/21/29 NDPS Act, Police Station Kotwali Khalilabad, District Sant Kabir Nagar.

3. Learned counsel for the applicant submitted that applicant is license holder of the medical store. He had purchased 800 bottles of Codiva cough syrup and during the course of business he sold aforesaid bottles to different individual purchasers without maintaining the proper record because of heavy rush of the customers. Therefore, at the most, it is a case of violation of Drug and Cosmetics Act which requires maintenance of the records of sale and stock. It is further submitted that there is no material against the applicant to show that he had sold and transported the

aforesaid quantity for any purposes other than medicinal use, therefore, applicant has not committed any offence.

4. Learned AGA submitted that though the applicant had purchased 800 bottles of Codiva cough syrup but did not maintain any record regarding sale including prescription of doctor and the applicant had sold 800 bottles without prescription to several customers. Therefore, he would be liable under the NDPS Act.

5. I have considered the submissions of learned counsel for the parties and perused the record.

6. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and taking into account the fact that the applicant is running a medical store on the basis of a licence issued under the Drugs and Cosmetics Act and had sold 800 bottles of Codiva cough syrup during the course of business to different individual purchasers without maintaining proper record due to heavy rush of customers, and the State also did not produce any evidence that he sold the codeine-based cough syrup for the purpose of intoxication, and keeping in view the nature of offence, evidence and complicity of the accused and taking into account the fact that the charge-sheet has already been filed, and considering the overcrowded jails and heavy pendency of criminal cases before the trial courts, as well as considering the mandate of the judgment of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC OnLine SC 3038** as well as the guidelines of this Court in the case of **Maya Tiwari Vs. State of U.P., 2024 SCC Online All 6765** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail. Accordingly, the present application is **allowed**.

7. Let the applicant- **Parmatma Prasad Chaudhary**, involved in the aforementioned crime be released on bail, on his furnishing a

personal bond and two sureties each in the like amount, to the satisfaction of the court concerned,

8. The applicant shall be released on bail on the conditions mentioned at the tail end of this judgment.

95. Crl. Misc. Bail Application No. 14203 of 2026 (Mohd Asad Vs. State of U.P.)

1. Heard Sri Imran Mabood Khan, learned Senior Advocate assisted by Ms. Shweta Pandey, learned counsel for the applicant, Sri P.K. Malviya, learned A.G.A. for the State and perused the record.

2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No. 1088 of 2025, under Sections 206(A), 271, 276, 318(4) of B.N.S & Section 8/21/29 N.D.P.S Act from Police Station Kotwali Khalilabad, District Sant Kabir Nagar, during the pendency of the trial.

3. Learned counsel for the applicant submitted that, as per the prosecution story, the Drug Inspector inspected the medical shop of the applicant, which was registered as M/s Life Medical Store, and during that inspection, the Drug Inspector found that the applicant had purchased 800 bottles of Codiva cough syrup during the last two years and sold 920 bottles. Similarly, it was also found that the records show that the applicant had purchased 80 capsules of Puroxowin Spas and sold 616 capsules as per the record. Subsequently, during her first statement, Drug Inspector Preeti Singh changed her version and stated that the sale of Codiva cough syrup was incorrectly mentioned in the F.I.R. as 920 bottles, whereas it was 13 bottles. Thereafter, she again changed the figure in her second statement and stated that actually the total sale of the applicant, as per the record, was 45 bottles, which was incorrectly mentioned as 920 bottles in the F.I.R. Thereafter, the F.I.R. was lodged by the drug inspector without giving an proper opportunity to the applicant to produce documents

regarding the sale of Codiva cough syrup and Puroxowin Spas capsules. However, during investigation, the police found that, with regard to 800 bottles of Codiva cough syrup purchased by the applicant during the last two years, i.e. 2024 and 2025, the applicant had sold 238 bottles, but record regarding the sale of the remaining 558 bottles and 488 Puroxowin Spas capsules was not produced by him. Therefore, the applicant is alleged to have sold 558 bottles of Codiva cough syrup as well as 488 Puroxowin Spas capsules without medical prescriptions.

4. It is further submitted that the version of the Drug Inspector in the F.I.R. kept changing in her first statement and again in her second statement; therefore, the prosecution story itself becomes doubtful. It is further submitted that sometimes during rush hours, it may not be possible to maintain the record of medical prescriptions at the time of selling cough syrup to individual patients, which may be at the best a case of violation of the conditions of the drug licence. Therefore, in such a case, prosecution can be initiated under the Drugs and Cosmetics Act, whereas the prosecution under the NDPS Act is absolutely malicious. It is also submitted that Codiva cough syrup itself is not a manufactured drug in view of Entry 35 of the Government Notification dated 14.11.1985. Therefore, the applicant has been falsely implicated in the present case. It is further submitted that the applicant has no criminal history. It is further submitted that the charge sheet has been filed in the present case; therefore, there is no requirement of custodial interrogation. The applicant is a law-abiding citizen and is languishing in jail since 11.01.2026. In case he is granted bail, he will not misuse the liberty of bail and will cooperate in the trial proceedings.

5. Per contra, learned A.G.A. has vehemently opposed the prayer for bail and submitted that the applicant could not show the invoices regarding 558 bottles of Codiva cough syrup, having a permitted quantity of codeine, as well as 488 Puroxowin Spas

capsules during the last two years, which is in clear violation of the Drugs and Cosmetics Act. There is a possibility that the Codiva cough syrup as well as Puroxowin Spas capsules sold by the applicant was used for the purpose of intoxication; therefore, the provisions of the NDPS Act have been rightly invoked against the applicant. Therefore, the applicant is not entitled to be released on bail.

6. I have considered the submissions of learned counsel for the parties and perused the record.

7. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and taking into account the fact that the applicant is having a licence for running a medical shop in the name of M/s Life Medical Store and during the investigation it is found that the applicant had purchased 800 bottles of Codiva cough syrup within the last two years but he had a record of selling only 238 bottles and could not produce the record of the remaining bottles nor could show the stock of the remaining Codiva cough syrup, therefore, it could be a case of violation of the provisions of the Drugs and Cosmetics Act. There is no material showing that the applicant had sold 558 bottles of Codiva cough syrup within a span of two years for the purpose of intoxication, coupled with the fact that the applicant has no criminal history and the charge-sheet has already been filed, and keeping in view the nature of offence, evidence and complicity of the accused and considering the overcrowded jails and heavy pendency of criminal cases before the trial courts, as well as considering the mandate of the judgment of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC OnLine SC 3038** as well as the guidelines of this Court in the case of **Maya Tiwari Vs. State of U.P., 2024 SCC Online All 6765** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the

opinion that the applicant is entitled to be enlarged on bail. Accordingly, the present application is **allowed**.

8. Let the applicant- **Mohd Asad**, involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned.

9. This is a classic case where the alleged offence completely appears to be covered within the domain of the Drugs and Cosmetics Act, even then the F.I.R. has been lodged under the NDPS Act. Therefore, Commissioner of Food Safety and Drug Administration (FSDA), Uttar Pradesh, Lucknow is directed to issue necessary directions to all the Drug Inspectors that whenever they find any fault in a medical shop with regard to the violation of the conditions of licence, then, before proceeding to register an F.I.R. under the NDPS Act, they should obtain legal advice from the concerned D.G.C. Or JD(prosecution).

10. Personal appearance of Preeti Singh, Drug Inspector is exempted until further orders of this Court.

11. Let a copy of this order be communicated to the Commissioner of Food Safety, Drug Administration (FSDA), Uttar Pradesh, Lucknow through Registrar (Compliance).

12. The applicant shall be released on bail on the conditions mentioned at the tail end of this judgment.

96. CrI. Misc. Bail Application No.800 of 2026 (Dharmendra Kumar Singh Vs. State of U.P.)

1. Heard Sri Santosh Singh, learned counsel for the applicant, Sri P.K. Malviya , learned A.G.A. for the State and perused the record.

2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No. 691 of 2025, under Section 336(3), 319(2), 318(4), 3(5) of B.N.S. and Section

8/22/29/37/60 of N.D.P.S. Act 1985, Police Station Nandgram, District Ghaziabad, during the pendency of the trial.

3. Contention of learned counsel for the applicant is that the applicant is a driver of truck bearing No. HR 38 AC 2960. As per the prosecution story, co-accused Saurav Tyagi was supervising the loading of four trucks with Eskuf codeine cough syrup and one of the trucks belonged to the applicant, and on inspection, 41,100 bottles of codeine cough syrup (Eskuf) were found in 137 cardboard boxes packed in bags. It is further submitted that the applicant is a driver of the truck and he was not aware about the actual contains being transported. The truck was standing at the place of incident on the instructions of the owner of the truck and the same was being loaded by the labourers on the instructions of co-accused Saurav Tyagi . The applicant has no concern with the illegal trade of codeine cough syrup. The e-way bill regarding transportation of the aforesaid cough syrup is yet to be received by the applicant and the same must be with the owner of the truck because transportation was yet to be started. Therefore, the applicant has been falsely implicated in the present case. It is further submitted that the applicant has no criminal history. It is further submitted that the charge sheet has been filed in the present case; therefore, there is no requirement of custodial interrogation. The applicant is a law-abiding citizen and is languishing in jail since 04.11.2025. In case he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

4. Per contra, learned A.G.A. has vehemently opposed the prayer for bail and submitted that the applicant was the driver of the truck bearing registration No. HR 38 AC 2960, but he was arrested on the spot and the aforesaid truck was carrying 41,100 bottles of Eskuf (codeine-based cough syrup), that can be used only for medical purposes, and any other use would attract the provisions of the NDPS Act, as Eskuf cough syrup contains codeine, which is

a narcotic substance. Therefore, the applicant is not entitled to be released on bail.

5. I have considered the submissions of learned counsel for the parties and perused the record.

6. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties, it is not in dispute that the applicant is a driver of truck HR 38 AC 2960, wherein Saurabh Tyagi was loading cardboard boxes packed in bags containing 41,100 bottles of codeine cough syrup and, from the perusal of the video prepared by the Investigating Officer during the recovery under Section 105 of the BNSS, it is clear that all the bags containing cartons were duly packed and the truck driver could not have guessed the material contained therein, coupled with the fact that the applicant has no criminal history and the charge-sheet has already been filed, and keeping in view the nature of offence, evidence and complicity of the accused and considering the overcrowded jails and heavy pendency of criminal cases before the trial courts, as well as considering the mandate of the judgment of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC OnLine SC 3038** as well as the guidelines of this Court in the case of **Maya Tiwari Vs. State of U.P., 2024 SCC Online All 6765** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail. Accordingly, the present application is **allowed**.

7. Let the applicant- **Dharmendra Kumar Singh**, involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned.

8. The applicant shall be released on bail on the conditions mentioned at the tail end of this judgment.

97. Crl. Misc. Bail Application No. 11388 of 2026 (Kamal Maurya Vs. State of U.P.).

1. Heard Sri Anurag Shukla, learned counsel for the applicant, Sri P.K. Malviya, learned A.G.A. for the State and perused the record.

2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No. 691 of 2025, under Sections 336(3), 319(2), 318(4), 3(5) B.N.S. and Section 8/22/29 N.D.P.S. Act, Police Station Nandgram, District Ghaziabad, during the pendency of the trial.

3. Contention of learned counsel for the applicant is that the name of the applicant was mentioned in the F.I.R. as one of the accused merely on the basis of the confessional statement of one co-accused, Sushil Yadav, who was arrested on the spot being the driver of the truck bearing registration No. MP 16 H 1328 while he was loading cough syrup. It is further submitted that the only allegation against the applicant is that he sent co-accused Sushil Yadav to a place near Nandgram to load the cough syrup in his truck and transport the same to Guwahati by secretly concealing the codeine syrup beneath limestone, and it was further mentioned in the statement of co-accused Sushil Yadav that the applicant was in contact with Shubham Jaiswal, Asif and Waseem. It is further submitted that except the aforesaid confessional statement of co-accused Sushil Yadav, there is no material against the applicant regarding his involvement in the illegal trade of codeine-based cough syrup. It is further submitted that the applicant has been falsely implicated in the present case. It is further submitted that the applicant has no criminal history and the charge sheet has been filed in the present case; therefore, there is no requirement of custodial interrogation. The applicant is a law-abiding citizen and he is languishing in jail since

21.01.2026. In case he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

4. Per contra, learned A.G.A. has vehemently opposed the prayer for bail and submitted that the name of the applicant surfaced in the statement of the co-accused as the person involved in the transportation of the codeine-based cough syrup. The applicant had sent co-accused Sushil Yadav to load the codeine-based cough syrup from Ghaziabad and transport the same to Guwahati, and the applicant was also in contact with co-accused Shubham Jaiswal, Asif and Waseem. Therefore, the applicant is not entitled to be released on bail.

5. I have considered the submissions of learned counsel for the parties and perused the record.

6. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and considering the fact that the applicant was not present on the spot and his name surfaced as an accused in the statement of co-accused Sushil Yadav, the only allegation against the applicant is that he sent co-accused Sushil Yadav to load cough syrup in his truck from Ghaziabad and transport the same to Guwahati, though there is no other material against the applicant regarding his involvement in illegal trafficking/trading of codeine-based cough syrup, coupled with the fact that the applicant has no criminal history and the charge-sheet has already been filed, and keeping in view the nature of offence, evidence and complicity of the accused and considering the overcrowded jails and heavy pendency of criminal cases before the trial courts, as well as considering the mandate of the judgment of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC OnLine SC 3038** as well as the guidelines of this Court in the case of **Maya Tiwari Vs. State of U.P., 2024 SCC Online All 6765** regarding grant of bail and without

expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail. Accordingly, the present application is **allowed**.

7. Let the applicant- **Kamal Maurya**, involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned.

8. The applicant shall be released on bail on the conditions mentioned at the tail end of this judgment.

98. CrI Misc. Bail Application No. 19447 of 2026 (Sushil Yadav Vs. State of U.P.)

1. Heard Sri Manu Ram Chaudhary along with Pradeep Kumar Soni, learned counsel for the applicant, Sri P.K. Malviya, learned A.G.A. for the State and perused the record.

2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No. 691 of 2025, under Sections 336(3), 319(2), 318(4), 3(5) B.N.S. and Sections 8, 22, 29 of the N.D.P.S. Act, 1985, Police Station Nandgram, District Ghaziabad, during the pendency of the trial.

3. Contention of learned counsel for the applicant is that, as per the prosecution story, the applicant is the driver of the truck bearing registration No. MP 16 H 1328, which was found while loading the codeine-based cough syrup (Eskuf) after unloading limestone near Machchli Godam, Nandgram, under the supervision of co-accused Saurav Tyagi. It is further submitted that the applicant is merely a truck driver and he was sent by one Kamal Maurya to take delivery of certain consignments from Machchli Godam, Ghaziabad, after unloading the lime stone loaded in the applicant's truck from Indore, at the instructions of the owner of the truck, Sonu, without knowing the actual contents thereof. Therefore, the applicant has not committed any offence. It

is further submitted that the applicant has no criminal history. It is further submitted that the charge sheet has been filed in the present case; therefore, there is no requirement of custodial interrogation. The applicant is a law-abiding citizen and he is languishing in jail since 04.11.2025. In case he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

4. Per contra, learned A.G.A. has vehemently opposed the prayer for bail and submitted that at the time of raiding the truck, it was found, it was found to be carrying 15,300 bottles of Eskuf syrup and the e-way bill shows that the applicant was required to transport the lime stone from Katni to Agartala, but actually he was loading the cough syrup from Machchli Godam, Nandgram, without any transportation document. Therefore, the applicant is not entitled to be released on bail, as the applicant is a part of this illegal trade of codeine-based cough syrup for the purpose of intoxication.

5. I have considered the submissions of learned counsel for the parties and perused the record.

6. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties, it is not in dispute that the applicant is a driver of truck MP 16 H 1328, wherein Saurabh Tyagi was loading cardboard boxes packed in bags containing 15,300 bottles of codeine cough syrup and, from the perusal of the video prepared by the Investigating Officer during the recovery under Section 105 of the BNSS, it is clear that all the bags containing cartons were duly packed and the truck driver could not have guessed the material contained therein, coupled with the fact that the applicant has no criminal history and the charge-sheet has already been filed, and keeping in view the nature of offence, evidence and complicity of the accused and considering the overcrowded jails and heavy pendency of criminal

cases before the trial courts, as well as considering the mandate of the judgment of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC OnLine SC 3038** as well as the guidelines of this Court in the case of **Maya Tiwari Vs. State of U.P., 2024 SCC Online All 6765** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail. Accordingly, the present application is **allowed**.

7. Let the applicant- **Sushil Yadav**, involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned.

8. The applicant shall be released on bail on the conditions mentioned at the tail end of this judgment.

99. Criminal Misc. Bail Application No. 15295 of 2026 (Panjab Singh vs State of U.P.)

1. Heard Sri Ankit Agrawal, learned counsel for the applicant and Sri Pritosh Malviya, learned AGA for the State.

2. Instant bail application has been filed with prayer to release the applicant on bail in Case Crime No. 269 of 2025, under Sections- 8, 21, 22, 29, 60 of the N.D.P.S. Act, 1985 and 18(c), 27 of the Drugs & Cosmetics Act, 1940, Police Station Aliganj, District- Etah.

3. Learned counsel for the applicant submitted that the applicant is the owner of the godown from where recovery of 5640 bottles of Onerex cough syrup was made by the police. It is further submitted that actually that godown had already been let out by the applicant to one Chhote Lal through agreement dated 12.08.2025. A copy of the same has been annexed at page 38 of the bail application. It is further submitted that at the time of

raiding the godown, police called the applicants being the owner of the godown and thereafter falsely implicated the applicant, though the applicant was not aware about the aforesaid consignment and actually the said consignment must be in knowledge of his tenant Chhote Lal. It is further submitted that from bare perusal of the statement of Promod, it is clear that the applicant was not involved in illegal trade of codeine cough syrup and Promod himself kept the codeine based syrup in the godown at the suggestion of his relatives; therefore, the applicant has been falsely implicated. It is also submitted that though this fact was communicated to the police at the time of making raid of the godown but police has not recorded the statement of tenant Chhote Lal, who was in actual possession of the godown.

4. Learned counsel for the applicant further submitted that another reason for implication of the applicant is that the applicant was found to be in conversation with co-accused Jitendra, son of Atar Singh, and Jitendra Singh, son of Rambeer. Both Jitendras are relatives of the applicant, therefore their conversation with the applicant is not unusual. It is lastly submitted that there is no material showing that the applicant was involved in illegal trade of codeine based cough syrup. Charge sheet has been filed therefore, there is no requirement for custodial interrogation. The applicant has no criminal history.

5. Per contra, learned AGA for the State has vehemently opposed the prayer and submitted that it is not in dispute that the applicant was owner of the godown wherein 5640 bottles of Onerex cough syrup were found, and there is no material to show that the applicant had let out the godown to one Chhote Lal. It is further submitted that the applicant was not having any license to store any medicine. Therefore, applicant may be presumed to have stored the codeine based cough syrup for transporting the same for intoxication. Hence, he is not entitled to be released on bail.

6. I have heard the submissions of learned counsel for the rival parties and perused the record.

7. Considering the aforesaid submissions and on perusal of the record, it is not in dispute that during the police raid of the applicant's godown on 21.12.2025, 5,640 bottles of Onerex cough syrup were recovered from the godown of the applicant, though the applicant did not have a license to store the same. However, from the statement of the co-accused, Pramod, it is clear that the applicant was not involved in the illegal transportation or trafficking of codeine-based Onerex syrup. There is no evidence that the applicant was aware of the actual content of the consignment kept by the co-accused in the godown of the applicant, coupled with the fact that the applicant, through an agreement dated 12.08.2025, let out this godown to one Chotelal. Though, the police have not recorded the statement of Chotelal, coupled with the fact that the applicant has no criminal history, and the chargesheet has been filed in the present case, and keeping in view the nature of offence, evidence, complicity of the accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC OnLine SC 3038** as well as guideline of this Court in the case of **Maya Tiwari Vs. State of U.P.** reported in **2024 SCC Online All 6765** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail. Accordingly, the present application is **allowed**.

8. Let the applicant- **Panjab Singh**, involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned.

9. The applicant shall be released on bail on the conditions mentioned at the tail end of this judgment.

100. CrI Misc. Bail Application No. 23044 of 2026 (Deepu Yadav Vs. State of U.P.)

1. Heard Sri Devendra Kumar Shukla, learned counsel for the applicant and Sri Paritosh Malviya, learned AGA for the State.

2. Instant bail application has been filed with prayer to release the applicant on bail during trial in in Case Crime No. 691 of 2025, Under Sections 336(3), 319(2), 318(4), 3(5) of the Bharatiya Nyaya Sanhita-2023 & under sections 8/22/29 of Narcotic Drugs and Psychotropic Substances Act, Police Station- Nandagram, District- Ghaziabad.

3. Learned counsel for the applicant submitted that the applicant is the cleaner of truck No.MP16H 1328, which raided by the police while loading bags containing cartons of Eskuf cough syrup, and a total 15,300 bottles of Eskuf cough syrup were also recovered from this truck. It is further submitted that being the cleaner of the aforesaid truck, the applicant was not aware of the actual contents of the consignment to be transported. He was wholly dependent upon the driver of the truck, and his duty was to assist the driver and to lock and unlock the tailgate after loading and unloading the truck. The applicant was apprehended by the police while he was sitting in the truck at the time of loading of the same at Machhli Godam, Nandigram, Ghaziabad. He further submitted that the applicant has been falsely implicated, though there is no material against him regarding his involvement in illegal tracking of codeine based cough syrup. The applicant has no criminal history, and he has been falsely implicated. Charge sheet has been filed therefore, there is in requirement for custodial interrogation.

4. On the other hand, learned AGA for the State vehemently opposed the prayer but could not dispute the fact that the applicant is cleaner of the aforesaid truck.

5. I have heard the submissions of learned counsel for the rival parties and perused the record.

6. Considering the aforesaid submissions and taking into account that the applicant was the khalasi/cleaner of truck No. MP-16-H-1328, which was found to be loaded with codeine-based cough syrup, Eskuf, and there is no material to show that the applicant was aware of the actual content of the loaded consignment, coupled with the fact that the applicant has no criminal history and the chargesheet has been filed in the present case, and keeping in view the nature of offence, evidence, complicity of the accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC OnLine SC 3038** as well as guideline of this Court in the case of **Maya Tiwari Vs. State of U.P.** reported in **2024 SCC Online All 6765** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail. Accordingly, the present application is **allowed**.

7. Let the applicant- **Deepu Yadav**, involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned.

8. The applicant shall be released on bail on the conditions mentioned at the tail end of this judgment.

101. CrI. Misc. Bail Application No. 8147 of 2026 (Jitendra Singh Vs. State of U.P.)

1. Heard Sri Salman Ahmad, along with Sri Naseem Ahmad, learned counsel for the applicant and Sri Paritosh Malviya, learned A.G.A. for the State and perused the record.
2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No. 269/2025, under Sections-8, 21, 22, 29, 60 of the N.D.P.S. Act, 1985 and Section 18(c), 27 of the Drugs and Cosmetics Act, 1940, Police Station Aliganj, District Etah, during the pendency of the trial.
3. Contention of learned counsel for the applicant is that as per the prosecution story, on asking the co-accused Pramod to keep the consignment of Codeine cough syrup, the applicant advised him to keep the consignment of cough syrup in the godown of co-accused Punjab Singh. It is further submitted that there is no material that the applicant is involved in illegal trafficking of Codeine based cough syrup for the purpose of intoxication and he has been falsely implicated. It is further submitted that applicant is a Government employee, working as Collection Amin, Tehsil-Aliganj, District-Etah. It is further submitted that the applicant has no criminal history. It is further submitted that charge sheet has been filed in the present case, therefore, there is no requirement of custodial interrogation. The applicant is languishing in jail since 22.11.2025. In case, he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.
4. Per contra, learned A.G.A. has vehemently opposed the prayer for bail and submitted that applicant was arrested from godown wherefrom, 5640 bottles of Codeine Syrup Onerex were recovered. Therefore, applicant is involved in illegal trafficking of Codeine based cough syrup, and hence, he is not entitled to be released on bail.
5. I have heard the submissions of learned counsel for the rival parties and perused the record.

6. Considering the aforesaid submissions and taking into account that, except for the statement of the co-accused, Pramod, that the applicant had advised him to keep his consignment of cough syrup in the godown of Panjab Singh, there is no material to show that the applicant was involved in the illegal trafficking of codeine-based cough syrup, as well as taking into account the fact that the applicant is a government employee (Collection Amin) in Tehsil Aliganj, District Etah, and considering the fact that the applicant has no criminal history and the chargesheet has been filed in the present case and keeping in view the nature of offence, evidence, complicity of the accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC OnLine SC 3038** as well as guideline of this Court in the case of **Maya Tiwari Vs. State of U.P.** reported in **2024 SCC Online All 6765** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail. Accordingly, the present application is **allowed**.

7. Let the applicant- **Jitendra Singh**, involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned.

8. The applicant shall be released on bail on the conditions mentioned at the tail end of this judgment.

102. CrI Misc. Bail Application No.5037 of 2026 (Rajnish Kumar Alias Raju Vs. State of U.P.)

1. Heard Sri Salman Ahmad, along with Sri Naseem Ahmad, learned counsel for the applicant and Sri Paritosh Malviya, learned A.G.A. for the State and perused the record.

2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No. 269 of 2025, under Sections 8, 21, 22, 29, 60 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and under Section 18(c), 27 of the Drugs & Cosmetics Act. 1940, Police Station Aliganj, District Etah, during the pendency of the trial.

3. Contention of learned counsel for the applicant is that applicant was not named in the FIR. More so, no allegation was made against the applicant in the first statement of co-accused, Pramod. However in the second statement of co-accused, Pramod, name of the applicant surfaced, wherein the said co-accused stated that on his request, the applicant had transported 60 cartons containing bottles of Codeine cough syrup from Varanasi to Etah, but there is no recovery of any document showing the involvement of the applicant in the transportation of Codeine syrup from Varanasi to Etah. The applicant has been falsely implicated. It is further submitted that the applicant has no criminal history. It is further submitted that charge sheet has been filed in the present case, therefore, there is no requirement of custodial interrogation. The applicant is languishing in jail since 30.12.2025. In case, he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

4. Per contra, learned A.G.A. has vehemently opposed the prayer for bail, but could not dispute the aforesaid facts.

5. I have heard the submissions of learned counsel for the rival parties and perused the record.

6. Considering the aforesaid submissions and taking into account that the applicant was neither named in the FIR nor was any allegation made in the first statement of the co-accused, Pramod, and the name of the applicant surfaced in the second statement of the co-accused, Pramod, regarding the transportation of 60 cartons containing bottles of codeine syrup by the applicant, at the

request of the co-accused, Pramod, from Varanasi to Etawah, though there is no other material showing the actual transportation or recovery of any vehicle involved in the transportation, coupled with the fact that the applicant has no criminal history and the chargesheet has been filed in the present case and keeping in view the nature of offence, evidence, complicity of the accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC OnLine SC 3038** as well as guideline of this Court in the case of **Maya Tiwari Vs. State of U.P.** reported in **2024 SCC Online All 6765** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail. Accordingly, the present application is **allowed**.

7. Let the applicant- **Rajnesh Kumar alias Raju**, involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned.

8. The applicant shall be released on bail on the conditions mentioned at the tail end of this judgment.

103. CrI. Misc. Bail Application No.15183 of 2026 (Raghav Singh Vs. State of U.P.)

1. Heard Sri Satyvendra Singh Yadav, learned counsel for the applicant and Sri Paritosh Malviya, learned A.G.A. for the State and perused the record.

2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No. 269 of 2025, under Sections 8, 21, 22, 29, 60 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and under Section 18(c), 27

of the Drugs & Cosmetics Act, 1940, Police Station Aliganj, District Etah, during the pendency of the trial.

3. Contention of learned counsel for the applicant is that the allegation against the applicant is that at the time of raid at the godown of the co-accused, Punjab Singh, the applicant escaped from the spot. Subsequently, co-accused Pramod in his second statement named the applicant as a person who advised him to keep the consignment of Codeine syrup in the godown of the co-accused Punjab Singh. It is further submitted that there is no material regarding involvement of the applicant in illegal trafficking or storage of Codeine based cough syrup. The applicant has been falsely implicated merely on the basis of confessional statement of the co-accused, wherein no allegation was made against the applicant. It is further submitted that the applicant has no criminal history. It is further submitted that charge sheet has been filed in the present case, therefore, there is no requirement of custodial interrogation. The applicant is languishing in jail since 26.03.2026. In case, he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

4. Per contra, learned A.G.A. has vehemently opposed the prayer for bail, but could not dispute the aforesaid facts.

5. I have heard the submissions of learned counsel for the rival parties and perused the record.

6. Considering the aforesaid submissions and taking into account the fact that the applicant was neither named in the FIR nor in the first statement of the co-accused, Pramod, and the name of the applicant surfaced in the second statement, wherein the only allegation is that the applicant advised the co-accused, Pramod, to keep his consignment of codeine cough syrup in the godown of Panjab Singh, there is no other material showing the involvement of the applicant in the illegal trafficking or storage of codeine-based cough syrup, and also considering the fact that the

applicant was not arrested from the spot, coupled with the fact that the applicant has no criminal history and the chargesheet has been filed in the present case and keeping in view the nature of offence, evidence, complicity of the accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC OnLine SC 3038** as well as guideline of this Court in the case of **Maya Tiwari Vs. State of U.P.** reported in **2024 SCC Online All 6765** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail. Accordingly, the present application is **allowed**.

7. Let the applicant- **Raghav Singh**, involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned.

8. The applicant shall be released on bail on the conditions mentioned at the tail end of this judgment.

104. Crl. Misc. Bail Application No.18882 of 2026 (Jitendra Singh Vs. State of U.P.)

1. Heard Sri Ravesh Kumar Singh along with Sri Divyanshu Pathak, learned counsel for the applicant and Sri Paritosh Malviya, learned A.G.A. for the State and perused the record.

2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No. 269 of 2025, under Sections 8, 21, 22, 29, 60 of the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985, and Sections 18(c), 27 of the Drugs and Cosmetics Act, 1940, at Police Station Aliganj, District Etah, during the pendency of the trial.

3. Contention of learned counsel for the applicant is that applicant is the owner of loader bearing registration no. UP-82AT-2921,

which the applicant usually parked in the godown of co-accused Punjab Singh during night. The applicant has been falsely implicated, merely because the loader of the applicant was found inside the godown of the co-accused Punjab Singh, though admittedly, the bottles of cough syrup were not loaded in the loader vehicle of the applicant. It is further submitted that even the recovery memo of the recovered codeine based syrup shows that it was signed by the co-accused Pramod, and not by the applicant, because the applicant was not present at that time. The applicant was called by the police, as his loader was found parked in the godown of the co-accused Punjab Singh. Subsequently, the applicant was arrested. It is further submitted that even in the CDR conversation of the applicant with the co-accused Punjab Singh, nothing unusual was found. It is further submitted that the recovered Codeine based cough syrup having permitted quantity of godown does not fall within the definition of manufactured drug. Therefore, applicant has been falsely implicated under the provisions of NDPS Act. It is further submitted that there is no material that the applicant was involved in any manner in illegal trafficking of Codeine based cough syrup. It is further submitted that the applicant has no criminal history. It is further submitted that charge sheet has been filed in the present case, therefore, there is no requirement of custodial interrogation. The applicant is languishing in jail since 22.12.2025. In case, he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

4. Per contra, learned A.G.A. has vehemently opposed the prayer for bail and submitted that applicant was arrested from the spot in question and he was found to be in conversation with the co-accused Punjab Singh.

5. I have heard the submissions of learned counsel for the rival parties and perused the record.

6. Considering the aforesaid submissions and taking into account the fact that the applicant has been implicated in the present case only on the basis that his loader bearing registration No.UP-8280-2921, was found parked in the premises of the godown of the co-accused, Panjab Singh, though there is no other incriminating material against the applicant, and considering the fact that the applicant has no criminal history and the chargesheet has been filed in the present case, and keeping in view the nature of offence, evidence, complicity of the accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC OnLine SC 3038** as well as guideline of this Court in the case of **Maya Tiwari Vs. State of U.P.** reported in **2024 SCC Online All 6765** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail. Accordingly, the present application is **allowed**.

7. Let the applicant- **Jitendra Singh**, involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned.

8. The applicant shall be released on bail on the conditions mentioned at the tail end of this judgment.

105. Crl Misc. Bail Application No. 17864 of 2026 (Vikesh @ Pappu Vs. State of U.P.)

1. Heard Sri Ajay Kumar, learned counsel for the applicant and Sri Paritosh Malviya, learned A.G.A. for the State and perused the record.

2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No. 269 of 2025, under Sections 8, 21, 22, 29 and 60 of the N.D.P.S. Act, 1985 and

18(c) and 27 of the Drugs and Cosmetics Act, 1940, Police Station Aliganj, District Etah, during the pendency of the trial.

3. Contention of learned counsel for the applicant is that as per the prosecution story, the police raided the godown of one Punjab Singh and recovered 5640 bottles of Codeine syrup Onerex. One of the co-accused, Pramod, along with three other accused, were arrested on the spot. The name of the applicant surfaced in the statement of the co-accused Pramod, wherein he stated that applicant had given him 60 cartons of codeine based cough syrup to sell and earn money for doing pairavi of his jailed brother Saroj. It is further submitted that except the confessional statement of the co-accused Pramod, there is no material against the applicant. Even no recovery has been made from the applicant. He has been falsely implicated. It is further submitted that the applicant has criminal history of six cases, apart from the present case. It is further submitted that charge-sheet has been filed in the present case, therefore, there is no requirement of custodial interrogation. The applicant is languishing in jail since 31.03.2026. In case, he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

4. Per contra, learned A.G.A. has vehemently opposed the prayer for bail and submitted that applicant has not explained the criminal history of one case i.e. u/s 447 IPC, though he has explained the criminal history of six other cases. It is further submitted that applicant is a hardcore criminal, as he was also involved in a case u/s 302 IPC.

5. I have heard the submissions of learned counsel for the rival parties and perused the record.

6. Considering the aforesaid submissions and taking into account the fact that the applicant was implicated on the basis of the confessional statement of the co-accused, Pramod, alleging that the applicant had provided him 16 cartons of codeine-based

cough syrup, Onerex, to sell in the market and earn money for the pairavi of his jailed brother. There is no other incriminating material against the applicant, and considering the fact that the applicant has explained the criminal history of six cases in the accompanying affidavit and the chargesheet has been filed in the present case, and keeping in view the nature of offence, evidence, complicity of the accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC OnLine SC 3038** as well as guideline of this Court in the case of **Maya Tiwari Vs. State of U.P.** reported in **2024 SCC Online All 6765** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail. Accordingly, the present application is **allowed**.

7. Let the applicant- **Vikesh @ Pappu**, involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned.

8. The applicant shall be released on bail on the conditions mentioned at the tail end of this judgment.

106. Crl. Misc. Bail Application No. 11617 of 2026 (Priyanka Gupta Vs. State of U.P.)

1. Heard Sri Rakesh Kumar Mishra along with Sri Sumit Kumar Gupta, learned counsel for the applicant and Sri Chandan Agarwal, learned A.G.A.-I for the State and perused the record.

2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No. 844/2025, under Sections-318(4) 336(3), 340(2), 61(2) B.N.S. & Section-8C/21/22/29 N.D.P.S. Act, Police Station Kotwali Nagar, District-Banda, during the pendency of the trial.

3. Contention of learned counsel for the applicant is that applicant was not named in the FIR, wherein, the allegation has been made that the proprietorship concern of the husband of the applicant, namely M/s. DMC Company, Banda, had received Codeine cough syrup from Gaurav Transport, Banda and sold it in open market. Learned counsel for the applicant has submitted that the name of the applicant surfaced in the statement of two witnesses, Ram Krishna Dwivedi and Deep Chandra Shukla, wherein the allegations have been made that on behalf of M/s. DMC company, the present applicant had also received some of the packed consignments of Codeine based cough syrup. It is further submitted that no Codeine cough syrup was recovered from the medicine shop of the applicant, and even otherwise, it is the husband of the applicant who is proprietor of the M/s. DMC Company and the applicant, being the wife of the proprietor of M/s. DMC Company, occasionally received consignments without knowing the actual content therein. It is further submitted that applicant is a lady and she has been falsely implicated, without there being any material against her. Whatever offence may have been committed, it appears to have been committed by the applicant's husband, who is the proprietor of M/s. DMC Company, a stockist and dealer of medicines. It is further submitted that the applicant has no criminal history and being a lady, she is entitled to be released on bail, in view of Section 480(1) BNSS. The applicant is languishing in jail since 26.02.2026. In case, she is granted bail, she will not misuse the liberty of bail and would cooperate in the trial proceedings.

4. Per contra, learned A.G.A. has vehemently opposed the prayer for bail, but could not dispute the aforesaid facts.

5. I have heard the submissions of learned counsel for the rival parties and perused the record.

6. Considering the aforesaid submissions and taking into account

the fact that the applicant, being the wife of the proprietor of M/s DMC Company Pharma, received some of the consignments allegedly containing codeine-based cough syrup, though no cough syrup was recovered from the medicine shop of the applicant's husband, and the applicant, being a lady, is entitled to be released on bail in view of **Section 480(1) of the BNSS**, and considering the fact that the applicant has no criminal history and the chargesheet has been filed in the present case, and keeping in view the nature of offence, evidence, complicity of the accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC OnLine SC 3038** as well as guideline of this Court in the case of **Maya Tiwari Vs. State of U.P.** reported in **2024 SCC Online All 6765** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail. Accordingly, the present application is **allowed**.

7. Let the applicant- **Priyanka Gupta**, involved in the aforementioned crime be released on bail, on her furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned.

107. CrI. Misc. Bail Application No.25729 of 2026 (Zeeshan Vs. State of U.P.)

1. Heard learned counsel for the applicant and Sri Paritosh Malviya, learned A.G.A. for the State and perused the record.

2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No.046 of 2026, under section 8/21 D of N.D.P.S Act and 318(4) of B.N.S., P.S Kotwali, District- Rampur, during the pendency of the trial.

3. As per the prosecution story, police checked three vehicles in a ground adjacent to Ashram Padati Road, Rampur. One white scooty bearing no.UP-21-CU-5785 was in possession of co-accused Akshay and police also recovered 200 bottles of CODECTUS codeine-based cough syrup and 1680 tramadol capsule from this scooty. Similarly, the motor cycle no.UP-21-CZ-4575 was recovered from the possession of the present applicant and **100 bottles of CODECTUS** cough syrup was also recovered from the motor cycle of the applicant. Similarly a Duster Car bearing No.UP-13-AS-0999 of maroon colour was recovered from possession of one co-accused Jabbar and on searching the duster car, 2692 bottles of CODECTUS syrup, 226 bottles of WESCODEX cough syrup and 144 bottles of VERICOF cough syrup was recovered. Apart from this, one cartoon containing 6720 tramadol capsule was also recovered from duster car.

4. Learned counsel for the applicant has submitted that only recovery against the applicant is 100 bottles of codectuss cough syrup though there was no public witness of the aforesaid recovery and applicant has no criminal history. It is further submitted that applicant was simply transporting 100 codeine cough syrup at the instructions of medical shop owner and having possession of codeine syrup without license is itself punishable under Drugs and Cosmetics Act, therefore, provisions of NDPS Act have been illegally invoked against the applicant, though, there is no material that applicant was transporting 100 cough syrup for the purpose of intoxication. It is further submitted that charge sheet has been filed in the present case, therefore, there is no requirement of custodial interrogation. The applicant is languishing in jail since 12.04.2026. In case, he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

5. Per contra, learned A.G.A. has vehemently opposed the prayer for bail and submitted that at the time of recovery of 100 bottles of cough syrup, applicant could not produce any license or transporting document regarding 100 bottles of cough syrup containing codeine. Therefore, the provision of NDPS Act has been rightly invoked against the applicant. Therefore, applicant is not entitled to be released on bail.

6. I have heard the submissions of learned counsel for the rival parties and perused the record.

7. Considering the aforesaid submissions and taking into account the fact that a packed cardboard carton was recovered from the motorcycle of the applicant, containing very small quantity(100 bottles) of cough syrup CODECTUS, which was being transported by the applicant at the instance of the medical shop owner, coupled with the fact that there was no public witness to the aforesaid recovery and there is no material to show that the applicant was involved in the illegal trafficking of codeine-based cough syrup, CODECTUS and considering the fact that the applicant is student of pharmacy college, having no criminal history and the chargesheet has been filed in the present case and keeping in view the nature of offence, evidence, complicity of the accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC OnLine SC 3038** as well as guideline of this Court in the case of **Maya Tiwari Vs. State of U.P.** reported in **2024 SCC Online All 6765** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail. Accordingly, the present application is **allowed**.

8. Let the applicant- **Zeeshan**, involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned.

9. The applicant shall be released on bail on the conditions mentioned at the tail end of this judgment.

108. Crl Misc. Bail Application No.17349 of 2026 (Usman Khan vs State of U.P.

1. Heard Sri Amit Kumar Srivastava, learned counsel for the applicant and Sri Paritosh Malviya, learned AGA for the State.

2. Instant bail application has been filed with prayer to release the applicant on bail during trial in Case Crime No. 246 of 2025, under sections 8 (c), 21 (c), 26 (d) of N.D.P.S. Act and sections 318(4), 338, 336(3), 340 (2) of B.N.S. Police Station Ganj, District Rampur.

3. Learned counsel for the applicant submitted that the applicant is proprietor of Bobby Agency medical store and an inspection of Drug Inspector was made on 05.01.2026 and during investigation, it was found that the applicant had purchased 42000/- bottles of codeine based cough syrup namely CODECTUS TR. However, the applicant could not produced any documents regarding the sale thereof. Learned counsel for the applicant further submitted that actually the applicant has submitted invoices of sale 2000 bottles codeine cough syrup to the investigating agency, therefore, at the most, it could be said the applicant does not have details of sale regarding remaining 40000 bottles of codeine based cough syrup.

4. Learned counsel for the applicant further submitted that it is case of unaccounted sale of 40000 bottles codeine based cough syrup CODECTUS which is in violation of drug license issued to the applicant. Therefore, at the most, it could be an offence under Drugs and Cosmetics Act for which a complaint is to file by the

drug inspector and provision of NDPS has been incorrectly invoked against the applicant as applicant has not committed any offence under NDPS Act. It is further submitted that CODECTUS TR cough syrup has permitted quantities of codeine, therefore, the same will not fall in the definition of manufactured drug. The applicant has no criminal history. Charge sheet has been filed, therefore, there is no requirement for custodial interrogation.

5. Per contra, learned AGA vehemently opposed the prayer and submitted that as per record, the applicant has purchased 42000 bottles codeine cough syrup between 25.06.2024 to 11.11.2024 and till the date of inspection 05.01.2025, the applicant sold the entire stock of 40000 bottles of cough syrup and there was no record of sale of 42000 bottles of cough syrup available in the shop of the applicant. It is further submitted that though the applicant has produced sale invoice of 2000 bottles of codeine cough syrup but the same was also found to be forged. It is lastly submitted by learned AGA that it is not simply a case of unaccounted sale of some bottles of codeine cough syrup. It is case of sale of diverting 42000 bottles of codeine based cough syrup within a period of seven months as the applicant does not have any documents regarding the sale. Therefore provision of NDPS Act has been rightly invoked. It is lastly submitted that the applicant has produced forged invoices of sale section of committing forgery has also be invoked against the applicant.

6. I have heard the submissions of learned counsel for the rival parties and perused the record.

7. Considering the aforesaid submissions and taking into account the fact that the applicant could produce the records of sale of 40,000 bottles of codeine-based cough syrup out of 42,000 bottles purchased by the applicant during the last seven months, and there is no material to show that the applicant had sold the remaining 40,000 bottles of codeine syrup within seven

months(6000 bottles per month) without maintaining the records of sale, which is not the normal sale but appears to be sale for the purpose other than medicinal use, which is not simply a violation of the Drugs and Cosmetics Act, but also attract provisions of NDPS Act in view of the law laid down in the preceding part of this judgement, therefore this court is not inclined to release the applicant on bail.

10. According bail application of applicant is **rejected**.

109. CrI. Misc. Bail Application No.19618 of 2026 (Salman Khan Vs. State of U.P.)

1. Heard Sri Sanjay Kumar Singh, learned counsel for the applicant and Sri Paritosh Malviya, learned AGA for the State.

2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No. 248 of 2025 under Sections-8 (C) / 21(C) / 26(d) of NDPS Act and section-318(4), 338, 336(3), 340(2) of BNS Police Station Ganj, District-Rampur, during the pendency of the trial.

3. Learned counsel for the applicant submitted that the applicant is proprietor of Fairdeal Agency. The Drug Inspector made an inspection on 05.06.2026 and during inspection, he found that the applicant had purchased 91000/- bottles of codeine based cough syrup namely CODECTUS TR. However, the applicant could not produced any documents regarding the sale thereof.

4. Learned counsel for the applicant further submitted that actually the applicant has submitted invoices of sale of 2000 bottles cough syrup to the investigating agency. Therefore, it is case of unaccounted sale of 89000 bottles codeine based cough syrup CODECTUS TR, which is in violation of drug license issued to the applicant. Therefore, at the most, it could be an offence under Drugs and Cosmetics Act for which a complaint is to be filed by the drug inspector and provisions of NDPS have been incorrectly

invoked against the applicant as applicant has not committed any offence under NDPS Act. It is further submitted that CODECTUS cough syrup has permitted quantities of codeine, therefore, the same will not fall in the definition of manufactured drug. The applicant has no criminal history. Charge sheet has been filed, therefore, there is no requirement for custodial interrogation.

5. Per contra, learned AGA vehemently opposed the prayer and submitted that as per record, the applicant has purchased 91000 bottles codeine cough syrup(CODECTUS) between 08.01.2024 to 18.09.2024 and till the date of inspection 05.06.2025, the applicant sold the entire stock of 89000 bottles of cough syrup and there was no record of sale of 89000 bottles of cough syrup available in the shop of the applicant. It is further submitted that though the applicant has produced sale invoices of 2000 bottles of codeine cough syrup but the same were also found to be forged. It is lastly submitted by learned AGA that it is not simply a case of unaccounted sale of some bottles of codeine cough syrup. It is case of sale of diverting 91000 bottles of codeine based cough syrup within a period of seven months as the applicant did not have any documents regarding the sale. Therefore provision of NDPS Act has been rightly invoked. It is lastly submitted that the applicant has produced forged sale invoices therefore section of committing forgery has also be invoked against the applicant.

6. I have heard the submissions of learned counsel for the rival parties and perused the record.

7. Considering the aforesaid submissions and taking into account the fact that the applicant could not produce the records of sale of 91,000 bottles of codeine-based cough syrup purchased by the applicant during the last 17 months(5353 bottles per month),without maintaining the records of sale, which is not the normal sale but appears to be sale for the purpose other than medicinal use, which is not simply a violation of the Drugs and

Cosmetics Act, but also attract provisions of NDPS Act in view of the law laid down in the preceding part of this judgement, and also produced forged sale invoices, therefore this court is not inclined to release the applicant on bail.

8. According to bail application of applicant is rejected.

110. CrI Misc. Bail Application No.27222 of 2026 (Harsh Agarwal Vs. State of U.P.)

1. Heard Sri Manish Tiwary, learned Senior Advocate assisted by Sri Atharv Dixit and Sri Suyash Mehrotra, learned counsel for the applicant and Sri Paritosh Malviya, learned A.G.A. for the State and perused the record.

2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No. 215 of 2025, under Sections 318(4), 336(3), 338, 340(2) of BNS, 2023 and Section 8(c)/21(c)/26(d) of NDPS Act, Police Station Kotwali, District-Rampur, during the pendency of the trial.

3. As per the prosecution story, applicant is proprietor of M/s Lata Pharmaceutical and The Drug Inspector made an inspection on 14.08.2025 and during inspection he found that the applicant had purchased 20,000 bottles of codeine based cough syrup namely CODECTUS TR. However, the applicant could not produce any documents regarding the sale thereof. Thereafter police investigation revealed that applicant had purchased 79087 bottles of CODECTUS from Manufacturer M/s Cadila Pharmaceuticals Ltd.. During the investigation applicant has produced sale invoices of 36700 bottles of cough syrup to the investigating agency but some of them found to be forged.

4. Learned counsel for the applicant further submitted that applicant has purchased 42387 bottles of CODECTUS cough syrup and non-producing the sale invoices thereof, will be the case of unaccounted sale of 42387 bottles of cough syrup which

is in violation of drug license issued to the applicant. Therefore, at the most, it could be an offence under Drugs and Cosmetics Act for which a complaint is to be filed by the drug inspector and provisions of NDPS have been incorrectly invoked against the applicant as applicant has not committed any offence under NDPS Act. It is further submitted that codectus cough syrup has permitted quantities of codeine, therefore, the same will not fall in the definition of manufactured drug. The applicant has no criminal history. Charge sheet has been filed, therefore, there is no requirement for custodial interrogation.

5. Per contra, learned AGA vehemently opposed the prayer and submitted that as per record, the applicant has purchased 79087 bottles of codeine cough syrup between 30.04.2025 to 28.11.2025 and sold the entire stock of 79087 of bottles but produced the sale records of 36700 bottles and there was no sale records of 42387 bottles of cough syrup. It is further submitted that sale invoices of 36700 bottles of codeine cough syrup produced by the applicant were found to have forged as the purchasers/retailers disputed the same. It is lastly submitted by learned AGA that it is not simply a case of unaccounted sale of some bottles of codeine cough syrup. It is case of sale of diverting 79087 bottles of codeine based cough syrup within a period of seven months as the applicant does not have any documents regarding the sale. Therefore provision of NDPS Act has been rightly invoked. It is lastly submitted that the applicant has produced forged sale invoices, therefore applicant also committed forgery.

6. I have heard the submissions of learned counsel for the rival parties and perused the record.

From the record it is clear that applicant purchased 79,087 bottles of CODECTUS cough syrup from M/s Cadila Pharmaceuticals Ltd and also sold the same within seven months(11300 bottles per

month) but could not produce the sale records thereof and sale invoices of 36700 bottles produced by the applicant were found to have forged during investigation. Therefore sale of about 11300 bottles per month, without maintaining the records of sale, is not the normal sale but appears to be sale for the purpose other than medicinal use, which is not simply a violation of the Drugs and Cosmetics Act, but also attract provisions of NDPS Act in view of the law laid down in the preceding part of this judgement. Therefore this court is not inclined to release the applicant on bail.

According bail application of applicant is **rejected**.

111. Crl. Misc. Bail Application No. 20708 of 2026 (Pankaj Kumar Vs. State of U.P.)

1. Heard Sri Awadhesh Kumar Srivastava, learned counsel for the applicant, Sri A.K. Malviya, learned A.G.A. for the State and perused the record.
2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No. 472 of 2025, under Sections 210, 223, 318(4) Bharatiya Nyaya Sanhita, 2023 and Section 8/21/29 N.D.P.S. Act, Police Station Barkhera, District Pilibhit, during the pendency of the trial.
3. Contention of learned counsel for the applicant is that the applicant is the proprietor of M/s Surya Medical Store. The Drug Department inspected the shop of the stockist, M/s Extreme Health Solutions, on 20.11.2025 and, during inspection, the proprietor of M/s Extreme Health Solutions, namely, Rohit Sabharwal, informed the drug officials that he had sold 17,800 bottles of Rexley-T codeine-based cough syrup to the present applicant. Thereafter, the Drug Department conducted an inspection of the shop of the applicant on 06.12.2025 and, during inspection, no document was found regarding the sale or purchase of any cough syrup bottles which were allegedly sold by M/s Extreme Health Solutions to the applicant. It was also found

that the applicant had transferred Rs. 11,75,050/- to the account of the firm of Rohit Sabharwal regarding different medicines, and this fact was admitted by Rohit Sabharwal, stating that there is a long-standing relationship between the applicant and Rohit Sabharwal.

4. It is further submitted that there is no evidence of receiving the actual delivery of any cough syrup by the applicant from the firm of co-accused Rohit Sabharwal; therefore, the applicant has been falsely implicated in the present case. It is further submitted that regarding the transfer of Rs. 11,75,050/- in the account of co-accused Rohit Sabharwal, the applicant had submitted a detailed affidavit showing the medicines which were purchased by the applicant from Rohit Sabharwal, for which the payment was made, which is also part of the case diary. It is also submitted that no e-way bill was produced by Rohit Sabharwal showing the transportation of the alleged sale of 17,800 bottles of cough syrup to the applicant. These facts show that Rohit Sabharwal prepared a forged bill in the name of the applicant's firm and sold the same in the open market. It is further submitted that the applicant has no criminal history. It is further submitted that the charge sheet has been filed in the present case; therefore, there is no requirement for custodial interrogation. The applicant is a law-abiding citizen and he is languishing in jail since 18.03.2026. In case he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

5. Per contra, learned A.G.A. has vehemently opposed the prayer for bail and submitted that as per the record of M/s Extreme Health Solutions, the applicant purchased 17,800 bottles of cough syrup Rexley-T, but on inspection, he could not show any document showing the purchase or sale of the same. It is further submitted that even the wife of the applicant stated in her statement recorded under Section 180 BNSS that the applicant had told her that he had purchased Rexley-T syrup from M/s

Extreme Health Solutions and further sold it at his medical shop through Aslam, and there were online transactions between the applicant and co-accused Mohd. Aslam. Above facts show that the applicant had sold the Rexley-T cough syrup without prescription to different persons through Mohd. Aslam. Therefore, the provisions of the NDPS Act have rightly been invoked against the present applicant. It is further submitted that the e-way bill received from Rohit Sabharwal clearly shows the delivery of codeine-based cough syrup to the present applicant.

6. I have heard the submissions of learned counsel for the rival parties and perused the record.

7. Considering the aforesaid submissions and taking into account that there is no material regarding the actual delivery of 17,800 bottles of cough syrup (Rexley-T) by M/s Extreme Health Solution to the applicant, and the details submitted through the affidavit by the applicant show the transfer of Rs. 11,75,050/- by the applicant to the account of M/s Extreme Health Solution with regard to several other medicines purchased by the applicant's firm from M/s Extreme Health Solution and considering the fact that the applicant has no criminal history and the chargesheet has been filed in the present case and keeping in view the nature of offence, evidence, complicity of the accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in 2025 SCC OnLine SC 3038 as well as guideline of this Court in the case of **Maya Tiwari Vs. State of U.P.** reported in 2024 SCC Online All 6765 regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail. Accordingly, the present application is **allowed**.

6. Let the applicant- **Pankaj Kumar**, involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned.

7. The applicant shall be released on bail on the conditions mentioned at the tail end of this judgment.

112. Crl. Misc. Bail Application No. 26042 of 2026 (Mohd Aslam Vs. State of U.P.).

1. Heard Sri Awadhesh Kumar Srivastava, learned counsel for the applicant, Sri A.K. Malviya, learned A.G.A. for the State and perused the record.

2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No. 472 of 2025, under Sections 8/21/29 N.D.P.S. Act, Police Station Barkhera, District Pilibhit, during the pendency of the trial.

3. Contention of learned counsel for the applicant is that after the raid at the medical store of Pankaj Kumar, who was running a medical store in the name of Surya Medical Store, the applicant was arrested on the basis of the confessional statement of co-accused Pankaj Kumar, wherein he stated that he used to sell the codeine-based cough syrup Rexley-T through the present applicant to different medical stores, though the police has not recovered any document or any bottle of codeine-based cough syrup. There is no material against the applicant showing that he was involved in purchasing and selling the cough syrup from co-accused Pankaj Kumar and selling it in the market; yet, he has been falsely implicated in the present case. It is further submitted that the applicant has no criminal history. It is further submitted that the charge sheet has been filed in the present case; therefore, there is no requirement for custodial interrogation. The applicant is a law-abiding citizen and he is languishing in jail since

09.06.2026. In case he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

4. Per contra, learned A.G.A. has vehemently opposed the prayer for bail and submitted that not only in the confessional statement of co-accused Pankaj Kumar but also in the statement of Pankaj Kumar's wife, the name of the applicant surfaced as the person who took the codeine syrup from co-accused Pankaj Kumar and sold it in the open market. Therefore, the applicant is not entitled to be released on bail.

5. I have heard the submissions of learned counsel for the rival parties and perused the record.

6. Considering the aforesaid submissions and taking into account that, except the statement of the co-accused, Pankaj Kumar and his wife, there is no material against the applicant regarding his involvement in the illegal purchase or sale of codeine-based cough syrup (Rexley-T), and considering the fact that the applicant has no criminal history and the chargesheet has been filed in the present case, and keeping in view the nature of offence, evidence, complicity of the accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC OnLine SC 3038** as well as guideline of this Court in the case of **Maya Tiwari Vs. State of U.P.** reported in **2024 SCC Online All 6765** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail. Accordingly, the present application is **allowed**.

7. Let the applicant- **Mohd Aslam**, involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned.

8. The applicant shall be released on bail on the conditions mentioned at the tail end of this judgment.

113. Crl Misc. Bail Application No. 15288 of 2026 (Ankush Singh Vs. State of U.P.)

1. Heard Sri Udai Karan Saxena, learned Senior Advocate assisted by Ms. Divya Yadav, learned counsel for the applicant, Sri Chandan Agarwal, learned A.G.A. for the State and perused the record.

2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No. 198 of 2025, under Sections 8, 18, 21, 26D, 29 of the N.D.P.S. Act, P.S. Puramufti, District Prayagraj, during the pendency of the trial.

3. Contention of learned counsel for the applicant is that, as per the allegation made in the FIR, a total of 1,50,000/- bottles of Eskuf codeine syrup were purchased by Ashutosh Pharma from Modern Health Care, New Delhi. It is also submitted that Ashutosh Pharma also purchased 5,61,867 bottles of codeine cough syrup from SB Traders, New Delhi, which is the proprietorship concern of Shadab.

4. Learned counsel for the applicant submitted that the applicant was not named in the FIR; subsequently, in the confessional statement of the proprietor of Ashutosh Pharma, this fact came into picture that Ashutosh Pharma had sold 7,11,867 bottles of Eskuf cough syrup to Sunrise Traders, which is the proprietorship concern of Shivam Dwivedi. Thereafter, after the arrest of Shivam Dwivedi, he made his confessional statement and stated that the present applicant, Ankush Singh, and co-accused Dhan Dev Maurya were actively involved in the opening of Sunrise Traders and they are the actual persons who were operating this firm. During investigation, it was found that the applicant had deposited Rs. 4,50,000/- in the account of Ashutosh Pharma and only then

the applicant has been falsely implicated in the present case. It is further submitted that, except the confessional statement of Shivam Dwivedi, there is no material against the applicant. It is further submitted that the applicant has explained the criminal history of two cases. It is further submitted that charge sheet has been filed in the present case; therefore, there is no requirement of custodial interrogation. The applicant is a law-abiding citizen and he is languishing in jail since 28.02.2026. In case he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

5. Per contra, learned A.G.A. has vehemently opposed the prayer for bail and submitted that at the time of opening the firm of Ashutosh Pharma, the present applicant deposited Rs. 4,50,000/- to open the account of Ashutosh Pharma. Thereafter, co-accused Dhan Dev Maurya deposited more than 6 crores (cash) in the account of Ashutosh Pharma. It is further submitted that, the landlord of the rented shop of Ashutosh Pharma, stated in her statement that at the time of taking the shop on rent, the present applicant had also come along with Ashutosh(proprietor of Ashutosh Pharma). It is further submitted that the CCTV footage of the bank also shows that the applicant had deposited the amount in the account of Ashutosh Pharma.

6. I have heard the submissions of learned counsel for the rival parties and perused the record.

7. Considering the aforesaid submissions and taking into account that, except the statement of the co-accused, Shivam Dwivedi, regarding the active involvement of the applicant in opening the firm of Shivam Dwivedi and depositing Rs. 4,50,000/- in the account of M/s Ashutosh Pharma, there is no material against the applicant regarding his involvement in the sale, purchase, or transportation of codeine-based cough syrup, and considering the fact that the applicant has explained the criminal history of two

cases in the accompanying affidavit and the chargesheet has been filed in the present case, and keeping in view the nature of offence, evidence, complicity of the accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC OnLine SC 3038** as well as guideline of this Court in the case of **Maya Tiwari Vs. State of U.P.** reported in **2024 SCC Online All 6765** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail. Accordingly, the present application is **allowed**.

8. Let the applicant- **Ankush Singh**, involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned.

9. The applicant shall be released on bail on the conditions mentioned at the tail end of this judgment.

114. Crl. Misc Bail Application No. 26170 of 2026 (Ravikar Singh Vs. State of U.P.)

1. Heard Sri Ashok Kumar Singh, learned counsel for the applicant, Sri Chandan Agarwal, learned A.G.A. for the State and perused the record.

2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No. 570 of 2025, under Sections 318(4), 338, 336(3), 340(2), 208 B.N.S. and Sections 8, 18, 21, 26D of the N.D.P.S. Act, Police Station Nawabganj, District- Prayagraj, during the pendency of the trial.

3. Contention of learned counsel for the applicant is that the applicant is the proprietor of Azad Medical Agency, Prayagraj and

is also having a licence from the Drug Department to sell and stock medicines. As per the prosecution story, inspection of the shop of the applicant was made on 26.11.2025 and it was also found that the applicant had purchased 1,18,000/- bottles of New Phensedyl cough syrup from Saili Traders, Ranchi. Thereafter, he sold the above purchased bottles to five firms, namely, Kedar Medical Agency, Jaunpur, M/s Shiv Enterprises, Chandauli, Mahadev Pharma, Pratapgarh, Sana Medical, Varanasi and Akash Distributors, Varanasi, but during investigation it was found that as per the toll plaza traceability report, there was no actual transportation of 1,18,000/- bottles of codeine syrup from Saili Traders to the applicant. However, the applicant, after receiving Rs. 2 crores from the five firms mentioned above, transferred the same to the account of Saili Traders. The allegation is that the firms to whom the applicant had sold the cough syrup are non-existing firms as these firms are not dealing in the business of medicines.

4. It is further submitted that the applicant has been falsely implicated in the present case, though the applicant has closed his firm and he is not dealing in the business of purchase or sale of medicines. It is further submitted that purchase of cough syrup from Saili Traders and the subsequent sale of same by the applicant, was during the course of business of medicines, as the applicant was having a drug licence to sell and purchase of medicines. Therefore, the applicant has not committed any offence. The e-way bill also shows that the consignment of 1,18,000/- bottles of codeine-based cough syrup was transferred to the applicant's firm, which was subsequently sold by the applicant to the above five different firms. Therefore, the applicant is entitled to be released on bail. It is further submitted that the applicant has no criminal history. It is further submitted that charge sheet has been filed in the present case; therefore, there is no requirement of custodial interrogation. The applicant is a

law-abiding citizen and he is languishing in jail since 30.01.2026. In case he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

5. Per contra, learned A.G.A. has vehemently opposed the prayer for bail and submitted that, as per the traceability report of the toll plaza, the actual consignment of 1,18,000/- bottles of Phensedyl codeine syrup was not delivered at the firm of the applicant, which was duly corroborated by the transporter of the trucks mentioned in the e-way bill. It is further submitted that the five firms to whom the applicant had delivered the codeine syrup are not engaged in any business and the amount was deposited in those firms in cash without any business; subsequently, the same was transferred to the the applicant, which was further transferred by the applicant in to the account of Saili Traders. Therefore, the applicant is not entitled to be released on bail.

6. I have heard the submissions of learned counsel for the rival parties and perused the record.

7. Considering the fact that though E-Way Bill shows that the applicant has purchased 1,18,000 bottles of New Phensedyl cough syrup from Saili Traders but as per the Toll Plaza traceability report as well as statement of transporters, there is no actual delivery of the above bottles of codeine based cough syrup to the applicant and further transfers of 1,18,000 bottles codeine based cough syrup shown by the applicant to five firms were also not actually delivered though amount of Rs. 2 crore was transferred by the five purchaser firms to the account of the applicant, which was subsequently transferred to Saili Traders. However, the purchasing firms are not engaged in any business and huge cash amount was deposited in their account which was subsequently transferred in the account of the applicant's firm, prima facie shows the illegal transportation of codeine based cough syrup by the applicant and Saili Traders. Therefore, this

Court is not inclined to release the applicant on bail

8. Accordingly, his bail application is **rejected**.

115. C.M.B.A. No. 20174 of 2026 (Azad Singh @ Golu Vs. State of U.P.)

1. Heard Sri Rajesh Kumar Gautam, learned counsel for the applicant, Sri Chandan Agarwal, learned A.G.A. for the State and perused the record.

2. Heard Sri Rajesh Kumar Gautam, learned counsel for the applicant, Sri Chandan Agarwal, learned A.G.A. for the State and perused the record.

3. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No. 570 of 2025, under Sections 318(4), 338, 336(3), 340(2), 208 B.N.S. and Sections 8, 18, 21, 26D of the N.D.P.S. Act, Police Station Nawabganj, District Prayagraj, during the pendency of the trial.

4. Contention of learned counsel for the applicant is that the applicant was not named in the FIR; he has been falsely implicated in the present case only on the basis of the statement of the landlord of the shop of the co-accused, wherein he stated that applicant had also accompanied the co-accused, at the time of taking the shop on rent. It is further submitted that there is no incriminating material against the applicant regarding his involvement in illegal trafficking of codeine-based cough syrup. It is further submitted that the applicant has no criminal history. It is further submitted that charge sheet has been filed in the present case; therefore, there is no requirement of custodial interrogation. The applicant is a law-abiding citizen and he is languishing in jail since 06.04.2026. In case he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

5. Per contra, learned A.G.A. has vehemently opposed the prayer for bail and submitted that the applicant is a friend of the co-accused and it is clear from the statement of the landlord of the rented shop of the co-accused that the applicant played an active role in providing the shop to the co-accused. Therefore, the applicant is not entitled to be released on bail.

6. I have heard the submissions of learned counsel for the rival parties and perused the record.

7. Considering the fact that except the statement of landlord of the rented shop of the co-accused regarding arranging shop for co-accused, which was used by the co-accused for running business of codeine based cough syrup there is no material against the applicant and also taken into account the applicant has no criminal history and charge sheet has been filed and keeping in view the nature of offence, evidence, complicity of accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC Online SC 3038** as well as guideline of this Court in the case of **Maya Tiwari vs State of U.P.** reported in **2024 SCC Online All 6765** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

8. Let the applicant- **Azad Singh @ Golu** involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned.

9. The applicant shall be released on bail on the conditions mentioned at the tail end of this judgment.

116. Crl Misc. Bail Application No. 21158 of 2026 (Faijur Rahman Vs. State of U.P.)

1. Heard Sri Anil Kumar Pathak, learned counsel for the applicant and Sri Chandan Agarwal, learned AGA for the State.

2. Present application has been filed with a prayer to release the applicant on bail during trial in Case Crime no. 212 of 2025, u/s 8/18/21, 26(D) of The Narcotic Drugs and Psychotropic Substances Act, 1985 and u/s 319(2), 318(4), 338, 336(3), 340(2) 61(B) of BNS, Police Station Airport, District Prayagraj.

3. Learned counsel for the applicant submitted that the applicant was not named in the FIR, wherein allegation has been made that during inspection by the Drug Department on 15.10.2025, it was found that the M/S M.K. Health Care, Prayagraj of which Mohd. Saif is proprietor, had purchased 89,600 bottles of Eskuf cough syrup from M/s Agrawal Brothers, Kanpur on 5.9.2025, but there was no actual delivery of the same. Learned counsel for the applicant further submitted that the applicant is also proprietor of M/S J.K. Pharma, Prayagraj. This firm was also opened on the instruction of proprietor of M/S M.K. Health Care. The allegation against the applicant is that he had deposited Rs. 3,94,00,000/- as cash, in the account of M/S M.K. Health Care, being the handler of Mohd Saif and other co-accused persons. Therefore, the applicant has been falsely implicated and he has explained the criminal history of one case in the accompanying affidavit. Charge sheet has been filed therefore, there is no requirement for custodial interrogation.

4. Per contra, learned AGA for the State vehemently opposed the prayer and submitted that the applicant is the main accused and also running M/s M.K. Health Care through Mohd. Saif, which purchased 89,600 bottles of Eskuf cough syrup from M/s Agrawal Brothers, Kanpur on 5.9.2025 and 9,87,724 bottles of new

phensedyl from Saili Traders. There was no actual delivery of the same, though E-way Bill was generated, but traceability report of the toll plaza as well as the statement of the transporters corroborated the fact that no actual delivery was made by Saili Traders to M/s M.K. Health Care. It is further submitted that the present applicant, who is proprietor of M/S J.K. Pharma had deposited Rs.2,76,77,000/- in the account of M/S M.K. Health Care within eleven months. It was further found that Rs. 4.30 crore was also deposited in cash in the account of M/S/ J.K. Pharma(proprietorship concern of the applicant), without any business. This shows that the applicant is handler of the main accused Shubham Jaiswal of Saili Traders. He deposited the amount in cash to M/S/ M.K. Health Care as well as M/S J.K. Pharma which was subsequently transferred to Saili Traders.

5. I have heard the submissions of learned counsel for the rival parties and perused the record.

6. Records show that the applicant was the proprietor of M/s J.K. Pharma having no business in medicine but applicant deposited cash of 4.30 crores in its account, thereafter applicant deposited Rs.2,76,77,000/ in the account of M/s M K Health which is involved in purchase of 9,87,724 bottles of new phensedyl from Saili Traders but no further sale or available stock. Above Amount was subsequently transferred in the account of sailing Traders. It is also revealed from the available material that despite huge transfer of money by the applicant and his brother Mohd. Saif there was no actual delivery of Phensedyl cough syrup by the sailing trader. These facts prima-facie show involvement of the applicant in illegal trafficking of codeine based cough syrup. Therefore this court is not inclined to release the applicant on bail.

7. Accordingly bail application of the applicant is **rejected**.

117. Crl. Misc. Bail Application No.7664 of 2026 (Parag Bansal

Vs. State of U.P.)

1. Heard Sri Sunil Yadav, learned counsel for the applicant and Sri Anoop Trivedi, learned AAG for the State.
2. Present application has been filed with a prayer to release the applicant on bail during trial in Case Crime No. 451 of 2025, under Sections 318(4) BNS and 8/21/22 NDPS Act, P.S- Thanabhawan, District- Shamli.
3. Learned counsel for the applicant submitted that the applicant is a proprietor of Dimple Medical Agency and having drug license as a retailer. Allegations against the applicant is that during the inspection, the Drug Department recovered 869 bottles of codeine based cough syrup though on the label, it was mentioned that “not for sale”.
4. Learned counsel for the applicant further submitted that it is not in dispute that the applicant is a license drug retailer and he is authorised to store the codeine based cough syrup and other medicines. It is further submitted that the applicant had stored the codeine based cough syrup marked as “not for sale” and that storage does not constitute any violation of NDPS Act, therefore, provision of NDPS Act has been incorrectly invoked. It is further submitted that there is no independent witness of the aforesaid recovery. The applicant has no criminal history. Charge sheet has been filed; therefore, there is no requirement for custodial interrogation. Hence, the applicant is entitled to be released on bail.
5. Learned AGA for the State vehemently opposed the submissions and submitted that there was recovery of 869 bottles of codeine based syrup, which was “not for sale”; therefore, the provision of NDPS has been rightly invoked.

6. I have heard the submissions of learned counsel for the rival parties and perused the record.

7. Considering the fact that the applicant is license drug dealer and merely the recovery of 869 bottles of codeine based cough syrup having label not for sale is not sufficient to attract the provisions of NDPS Act, as there is no provision to keep the sample bottles on behalf of manufacturing company to deliver the same to doctors; coupled with the fact that charge sheet has been filed and the applicant has no criminal history and keeping in view the nature of offence, evidence, complicity of accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC Online SC 3038** as well as guideline of this Court in the case of **Maya Tiwari vs State of U.P.** reported in **2024 SCC Online All 6765** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

8. Let the applicant- **Parag Bansal** involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned.

9. The applicant shall be released on bail on the conditions mentioned at the tail end of this judgment.

118. CrI. Misc. Bail Application No. 25190 of 2026 (Umesh Chandra Alias Umesh Chandra Chaturvedi Vs. State of U.P.

1. Heard learned counsel for the applicant and Sri Anoop Trivedi, learned AAG for the State.

2. Present application has been filed with a prayer to release the applicant on bail in Case Crime No 0646 of 2025, under sections 318(4), 278, 338, 336(3), 340(2) of BNS and Section 8/21 of NDPS Act, Police Station Kotwali Orai, District Jalaun.

3. Learned counsel for the applicant submitted that the applicant is proprietor of Ultra Fine Chemicals, which is licensed drug dealer and as per prosecution story applicant has purchased 21,000 bottles of cough syrups of Phencypink-T from Idika Life Science Ltd., Lucknow but during inspection of Drug Inspector neither the stock of the aforesaid purchased cough syrup, nor any document regarding sale of the same, was found. Counsel for the applicant has submitted that it is not in dispute that applicant had purchased 21,000 bottles of Phencypink-T cough syrup from Idika Life Science Ltd., Lucknow, but he sold entire stock to 65 drugs retailers in district Jalaun though during investigation these retailers refused to accept that they had purchased any cough syrup from the applicant, just to save themselves. It is further submitted that during the investigation police has falsely implicated the applicant without checking the records of 65 retailer to whom the applicant had sold the codeine based cough syrup. The applicant has no criminal history. Charge sheet has been filed, therefore there is no requirement for custodial interrogation.

4. Per contra, learned AGA vehemently opposed the prayer and submitted that there was no document to show that the applicant had sold Phencypik-T cough syrup to any retailer, which was purchased by the applicant from Idika Life Science Ltd., Lucknow. He further submitted no money was transferred by any of the retailers in the account of the applicant regarding the aforesaid purchase and the applicant himself deposited the cash in his account. It is further submitted that he has also paid GST for sale but 65 retailers refused to purchase the same except few firms.

5. I have heard the submissions of learned counsel for the rival parties and perused the record.

6. Considering the fact that the applicant has shown the record of selling 21000 bottles of codeine based cough syrup (Phencypink-T) to 65 drug retailers and GST was also paid by the applicant on the sale and merely refusal of drug retailers regarding purchase of codeine based cough syrup (Phencypink-T) without checking the record of those 65 retailers is not sufficient to attract the provision of NDPS Act; coupled with the fact that charge sheet has been filed and applicant has no criminal history and keeping in view the nature of offence, evidence, complicity of accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC Online SC 3038** as well as guideline of this Court in the case of **Maya Tiwari vs State of U.P.** reported in **2024 SCC Online All 6765** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

7. Let the applicant- **Umesh Chandra @ Umesh Chandra Chaturvedi** involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned.

8. The applicant shall be released on bail on the conditions mentioned at the tail end of this judgment.

119. CrI. Misc. Bail Application No. 8466/2026 (Pankaj Sharma Vs. State of U.P.)

1. Heard Sri Sushil Shukla, learned Senior Advocate assisted by Sri Syed Abid Ali Naqvi and Sri Ashutosh Mishra, learned counsel

for the applicant, Sri Chandan Agarwal, learned A.G.A.-Ist for the State and perused the record.

2. The instant bail application has been filed with a prayer to release the applicant on bail in FIR/Case Crime No.605 of 2025, under sections 61(2), 210, 318(4), 338, 336(3) and 340(2) of BNS and Under Section 8 C, 21 and 26 D of NDPS Act at Police Station Behat, District Saharanpur, during the pendency of the trial.

3. Contention of learned counsel for the applicant is that applicant is the proprietor of M/s VS Pharma. As per the prosecution story, the applicant had purchased 15,450 bottles of codeine syrup from Cadiz Life science, who is the licensed super stockist and it is not in dispute that the codeine syrup allegedly purchased by the applicant, was having permitted quantity of codeine and trade name is Lykarex-T Syrup. Though, the applicant did purchase the bottle of Lykarex-T Syrup from Cadiz Life science but forged document was prepared by the super distributor Cadiz Life science just to show the false sale of the codeine syrup without actual delivery of the same to the applicant. During investigation, police has allegedly recovered four invoices from Aarab Medical shop showing that he had purchased 600 bottles of codeine syrup from the applicant. It is further submitted that applicant did not sell any bottles to Aarab Medical (proprietor Pradeep Sharma). It is lastly submitted that the prosecution has shown the transfer of Rs.7.82 lakhs from Pradeep Sharma (proprietor of Aarab Medical), to the account of the applicant which was with regard to the sale of the property not with regard to the purchase of any codeine syrup. It is further submitted that the applicant has no criminal history. It is further submitted that charge sheet has been filed in the present case, therefore, there is no requirement of custodial interrogation. The applicant is languishing in jail since 30.12.2025. In case, he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

4. Per contra, learned AGA has vehemently opposed the prayer for bail and submitted that apart from invoices and record of Cadiz Life science, e-way bills also show that there was actual delivery of codeine based cough syrup from Cadiz Life science to the applicant's firm which was duly corroborated by the transporter, Gopal Bharadwaj but except the sale of 600 codeine based syrup to the co-accused Pradeep Sharma, there is no account. It is also submitted by the AAG that the dispatch manager, Sachin of Cadiz Life science also stated that the consignment of 15,450 codeine syrup was sold to the M/s VS Pharma.

5. I have heard the submissions of learned counsel for the rival parties and perused the record.

6. Considering that fact that there is no document showing actual delivery of 15,450 bottles of codeine based cough syrup like Lykarex-T from Cadiz Life science to the applicant and transferring 7.82 lakh by the proprietor of Arab Medicals of the applicant's firm, is not sufficient to invoke the provision of NDPS Act as there is no other incriminating material against the applicant; coupled with the fact that applicant has no criminal history and charge sheet has been filed and keeping in view the nature of offence, evidence, complicity of accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in 2025 SCC Online SC 3038 as well as guideline of this Court in the case of **Maya Tiwari vs State of U.P.** reported in 2024 SCC Online All 6765 regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

7. Let the applicant- **Pankaj Sharma** involved in the aforementioned crime be released on bail, on his furnishing a

personal bond and two sureties each in the like amount, to the satisfaction of the court concerned.

8. The applicant shall be released on bail on the conditions mentioned at the tail end of this judgment.

120. CrI. Misc. Bail Application No. 11375/2026 (Pappu Ram Sharma @ Pradeep Sharma Vs. State of U.P.)

1. Heard Sri Rajendra Kumar Pandey, learned counsel for the applicant, Sri Chandan Agarwal, learned A.G.A.-Ist for the State and perused the record.

2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No. 0605 of 2025, U/S-210, 318(4), 338, 336(3), 340(2), 61(2), B.N.S & 8 (C) /21/26 (D) NDPS Act, Police Station -Behat, District - Saharanpur, during the pendency of the trial.

3. Learned counsel for the applicant has submitted that applicant was not named in the FIR. Subsequently in the confessional statement of the co-accused, Pankaj Sharma, name of the applicant came up wherein he stated that he sold codeine based cough syrup to Pradeep Sharma and thereafter, police raided the house of the applicant and recovered four invoices showing the purchase of 600 bottles of codeine cough syrup, Lykarex but there was no recovery of any codeine cough syrup from the house of the applicant. It is further submitted that applicant is not the Pradeep Sharma but Pappu Ram Sharma, he has been falsely implicated in the present case, though applicant is a teacher in a private school and the alleged bills are forged documents. It is further submitted that the applicant has no criminal history. It is further submitted that charge sheet has been filed in the present case, therefore, there is no requirement of custodial interrogation. The applicant is languishing in jail since 30.01.2026. In case, he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

4. Per contra, learned AGA- 1st has vehemently opposed the prayer for bail and submitted that there was inter bank transfer from the wife of applicant to the account of the co-accused, Pankaj Sharma of Rs.9.82 lakhs. Therefore, applicant is not entitled to be released on bail.

5. I have heard the submissions of learned counsel for the rival parties and perused the record.

6. Considering the fact that the applicant was not named in the FIR and there is no material except the confessional statement of co-accused Pankaj Sharma and there is no recovery of any codeine based cough syrup from the house of the applicant, who is working as a teacher and as per record actual name of the applicant is Pappu Sharma , not the Pradeep Sharma, coupled with the fact that applicant has no criminal history and charge sheet has been filed and keeping in view the nature of offence, evidence, complicity of accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC Online SC 3038** as well as guideline of this Court in the case of **Maya Tiwari vs State of U.P.** reported in **2024 SCC Online All 6765** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

7. Let the applicant- **Pappu Ram Sharma @ Pradeep Sharma** involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned.

8. The applicant shall be released on bail on the conditions mentioned at the tail end of this judgment.

121. Criminal Misc. Bail Application No.22379 of 2026
(Shailendra Tiwari vs. State of U.P.)

1. Heard learned counsel for the applicant and Sri Anoop Trivedi, learned Additional Advocate General for the State.
2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No.186 of 2025, under Sections 318(4), 336(3), 338, 206(b), 340(2), 61(2) B.N.S. and 8/21(C), 27Ka, 29(1) N.D.P.S. Act, Police Station Chauri, District Bhadohi, during the pendency of the trial.
3. Learned counsel for the applicant has submitted that the applicant was not named in the FIR. However, during investigation, it was found that M/s Purna Pharma, which is proprietorship of applicant's wife Puja Tiwari, had sold 9936 bottles of codeine cough syrup (APCORES) to M/s Gurudev Medical Agency, Bhadohi and E-Waybill also shows the transportation of the same from M/s Purna Pharma to M/s Gurudev Medical Agency but there was no actual delivery of codeine cough syrup to M/s Gurudev Medical Agency. Learned counsel has further submitted that the applicant is the husband of proprietor of M/s Purna Pharma. Applicant is not concerned with sale or transportation cough syrup. Learned counsel has further submitted that M/s Purna Pharma is having drug license to sale and purchase of medicines including the codeine base cough syrup and during course of business, M/s Purna Pharma had sold 9936 bottles of codeine cough syrup to M/s Gurudev Medical Agency and also received payment thereof in the account of M/s Purna Pharma, Varanasi. The applicant has explained the criminal history of one case. It has been further submitted that charge sheet has been filed in the present case, therefore, there is no requirement of custodial interrogation. The applicant is a law abiding citizen and he is languishing in jail since 07.02.2026. In

case, he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

4. Per contra, Sri Anoop Trivedi, learned Additional Advocate General has opposed the prayer for grant of bail and has submitted that during investigation it was found that the applicant Firm has purchased codeine cough syrup of more than Rs.7 crores and as per the record of applicant's Firm, 9936 bottles of codeine cough syrup were sold to M/s Gurudev Medical Agency and E-Waybill was also generated for transferring the same from the Firm of the applicant to Bhadohi through the drivers as a transporter of the truck in question during investigation clearly denied of transporting any codeine cough syrup from the applicant Firm to M/s Gurudev Medical Agency though about 10 crores was transferred by M/s Gurudev Medical Agency in the account of applicant Firm, therefore, the applicant is not entitle for bail

5. I have heard the submissions of learned counsel for the rival parties and perused the record.

Considering the fact that the applicant is not proprietor of M/S Purna Pharma and the applicant is husband of proprietor as well as a competent person of M/S Purna Pharma which had purchased 1,04,000 codeine based cough syrup from Radhika Enterprise and there is no material showing that the applicant has received any consignment of codeine based syrup on behalf M/S Purna Pharma and he has been implicated merely on the ground that name of the applicant has been mentioned in the GST bill issued in the name of wife of the applicant, which is not *prima facie* sufficient to attract the provision under NDPS Act; coupled with the fact that charge sheet has been filed and keeping in view the nature of offence, evidence, complicity of accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan**

vs Central Bureau of Investigation reported in 2025 SCC Online SC 3038 as well as guideline of this Court in the case of Maya Tiwari vs State of U.P. reported in 2024 SCC Online All 6765 regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant- **Shailendra Tiwari** involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned.

7. The applicant shall be released on bail on the conditions mentioned at the tail end of this judgment.

122. Criminal Misc. Bail Application No.22392 of 2026
(Shailendra Tiwari vs. State of U.P.)

1. Heard learned counsel for the applicant and Sri Anoop Trivedi, learned Additional Advocate General for the State.

2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No.497 of 2025, under Sections 206, 318(4), 336(3), 340(2), 338, 61(2) B.N.S. and 8/21(C), 27Ka, 29(1) N.D.P.S. Act, Police Station Aurai, District Bhadohi, during the pendency of the trial.

3. Learned counsel for the applicant has submitted that the applicant was not named in the FIR. However, during investigation, it was found that M/s Purna Pharma, which is proprietorship of applicant wife Puja Tiwari has sold 20,100 bottles of codeine cough syrup to M/s O.P. Pharma, Varanasi and E-Waybill also shows the transportation of the same from M/s Purna Pharma to M/s O.P. Pharma, Varanasi but there was no actual delivery of codeine cough syrup to M/s O.P. Pharma, Varanasi. Learned counsel has further submitted that the applicant is the husband of proprietor of M/s Purna Pharma. Applicant has no

concern with sale or transportation. Learned counsel has further submitted that M/s Purna Pharma is having drug license to sale and purchase of medicines including the codeine base cough syrup and during course of business of M/s Purna Pharma has sold 20,100 bottles of codeine cough syrup to M/s O.P. Pharma, Varanasi and also received payment thereof in the account of M/s Purna Pharma, Varanasi. The applicant has explained the criminal history of one case. Charge sheet has been filed. Therefore, there is no requirement of custodial interrogation.

4. Per contra, Sri Anoop Trivedi, learned Additional Advocate General has opposed the prayer for grant of bail and has submitted that during investigation it was found that the applicant Firm has purchased codeine cough syrup of more than Rs.3.5 crores and as per the report of applicant Firm, 20,100 bottles codeine cough syrup were sold to M/s O.P. Pharma, Varanasi and E-Waybill was also generated for transferring the same from the Firm of the applicant to Bhadohi though the drivers as a transporter of the truck in question during investigation clearly denied of transporting any codeine cough syrup from the applicant Firm to M/s O.P. Pharma, Varanasi, therefore, the applicant is not entitle for bail.

5. I have heard the submissions of learned counsel for the rival parties and perused the record.

6. Considering the fact that the applicant was not named in the FIR and allegation of illegal transportation of codeine based cough syrup has been made against M/S Purna Pharma who is proprietor concerned of wife of the applicant and there is no material that the applicant was involved in the aforesaid illegal trafficking of codeine based cough syrup; coupled with the fact that charge sheet has been filed and keeping in view the nature of offence, evidence, complicity of accused and taking into account overcrowded jails and heavy pendency of criminal cases before

the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC Online SC 3038** as well as guideline of this Court in the case of **Maya Tiwari vs State of U.P.** reported in **2024 SCC Online All 6765** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

7. Let the applicant- **Shailendra Tiwari** involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned.

8. The applicant shall be released on bail on the conditions mentioned at the tail end of this judgment.

123. Criminal Misc. Bail Application No.28474 of 2026
(Shailendra Tiwari vs. State of U.P.)

1. Heard Sri Rajendra Singh, learned counsel for the applicant and Sri Anoop Trivedi, learned Additional Advocate General for the State.

2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No.235 of 2025, under Sections 8/21/26(d)/29 N.D.P.S. Act and Section 61(2), 318(4), 336(3), 338, 340(2) B.N.S., Police Station Kotwali, District Varanasi, during the pendency of the trial.

3. Learned counsel for the applicant has submitted that the applicant was not named in the FIR. However, during investigation, it was found that M/s Purna Pharma, which is proprietorship of applicant's wife Puja Tiwari, had sold 14,100 bottles of codeine cough syrup to M/s O.P. Pharma, Varanasi and E-Way bill also shows the transportation of the same from M/s Purna Pharma to M/s O.P. Pharma, Varanasi but there was no

actual delivery of codeine cough syrup to M/s O.P. Pharma, Varanasi. Learned counsel has further submitted that the applicant is the husband of proprietor of M/s Purna Pharma. Applicant has no concern with sale or transportation. Learned counsel has further submitted that M/s Purna Pharma is having drug license to sale and purchase of medicines including the codeine base cough syrup and during course of business of M/s Purna Pharma has sold 14,100 bottles of codeine cough syrup to M/s O.P. Pharma, Varanasi and also received payment thereof in the account of M/s Purna Pharma, Varanasi. The applicant has explained the criminal history of one case. Charge sheet has been filed. Therefore, there is no requirement of custodial interrogation.

4. Per contra, Sri Anoop Trivedi, learned Additional Advocate General has opposed the prayer for grant of bail and has submitted that during investigation it was found that the applicant Firm has purchased codeine cough syrup of more than Rs.3.5 crores and as per the report of applicant Firm, 14,100 bottles codeine cough syrup were sold to M/s O.P. Pharma, Varanasi and E-Waybill was also generated for transferring the same from the Firm of the applicant to Bhadohi though the drivers as a transporter of the truck in question during investigation clearly denied of transporting any codeine cough syrup from the applicant Firm to M/s O.P. Pharma, Varanasi, therefore, the applicant is not entitle for bail.

5. I have heard the submissions of learned counsel for the rival parties and perused the record.

6. Considering the fact that the applicant was not named in the FIR and allegation of illegal transportation of codeine based cough syrup has been made against M/S Purna Pharma who is proprietor concerned of wife of the applicant and there is no material that the applicant involved was involved in the aforesaid

illegal trafficking of codeine based cough syrup; coupled with the fact that charge sheet has been filed and keeping in view the nature of offence, evidence, complicity of accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC Online SC 3038** as well as guideline of this Court in the case of **Maya Tiwari vs State of U.P.** reported in **2024 SCC Online All 6765** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

7. Let the applicant- **Shailendra Tiwari** involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned.

8. The applicant shall be released on bail on the conditions mentioned at the tail end of this judgment.

124. Criminal Misc. Bail Application No.23065 of 2026 (Amit Kumar Singh vs. State of U.P. and another)

1. Heard Sri Rajesh Kumar Singh, learned counsel for the applicant and Sri Anoop Trivedi, learned Additional Advocate General for the State.

2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No.896 of 2025, under Sections 206(A), 271, 276, 61(2), 338, 336(3), 318(4), 340(2) B.N.S., Sections 8, 9(1)A(va), 21, 27A, 29 N.D.P.S. Act and Section 27 Drugs and Cosmetics Act, Police Station Kotwali, District Ghazipur, during the pendency of the trial.

3. Sri Rajesh Kumar Singh, learned counsel for the applicant has submitted that as per prosecution story, the applicant has

purchased 2,49,000 bottles codeine cough syrup (New Phensedyl) from M/s Saili Traders though the sale was shown by the applicant to M/s Dilip Medical Agency and M/s Ayush Enterprises but the bottles of same batch number have been recovered from Tripura and West Bengal after two months of sale. Learned counsel has further submitted that during course of business transaction, the applicant after purchasing the cough syrup sold it to M/s Dilip Medical Agency and M/s Ayush Enterprises. Therefore the applicant has not committed any offence. It has been further submitted that charge sheet has been filed in the present case, therefore, there is no requirement of custodial interrogation. The applicant is a law abiding citizen and he is languishing in jail since 18.05.2026. In case, he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

4. Per contra, Sri Anoop Trivedi, learned Additional Advocate General has opposed the prayer for grant of bail and has submitted that from the inspection of the records of the applicant's firm, neither the stock nor any document of sale was found though as per the E-waybill, the aforesaid consignment of codeine base cough syrup was transported from M/s Saili Traders, Ranchi to Ghazipur but as per toll plaza traceability report as well as statement of the owner of Transporter, no such delivery was made at Ghazipur and large consignment of same batch number was recovered from Tripura and West Bengal, which was being transported for intoxication. It has been further submitted that during investigation, it was found that M/s Dilip Medical Agency as well as M/s Ayush Enterprises had not further sold cough syrup nor the stock of the same was found therein. It has been further submitted that Rs.6.22 crores were transferred by the applicant to M/s Saili Traders.

5. I have considered the submissions of learned counsel for the

parties and perused the record.

6. Considering the submissions of learned counsel for the parties and taking into account the fact that though the e-way bill shows that the applicant had purchased 2,49,000/- bottles of codeine syrup from Saili Traders, but the traceability report of the concerned toll plazas shows that the same was not actually delivered to the applicant and even the alleged sales of 2,49,000/- bottles of codeine syrup by the applicant to Dilip Medical Agency and Ayush Enterprises were found to be forged, as no document was produced by the purchaser firms. Even the stock of the purchased bottles of codeine syrup was not recovered from the shops of Dilip Medical Agency and Ayush Enterprises, though these two firms had deposited Rs. 6,22,00,000/- in the account of the applicant's firm, which was further transferred by the applicant to Saili Traders, and a large stock of the bottles which was shown to have been purchased from Saili Traders by the applicant was recovered in Tripura and West Bengal during illegal transportation for the purpose of intoxication. Therefore, this Court is not inclined to release the applicant on bail.

7. Accordingly, the bail application filed on behalf of the applicant is hereby **rejected**.

125. Criminal Misc. Bail Application No.24317 of 2026 (Shubham Singh vs. State of U.P. and another)

1. Heard Sri Rajesh Kumar Singh, learned counsel for the applicant and Sri Anoop Trivedi, learned Additional Advocate General for the State.

2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No.896 of 2025, under Sections 206(A), 271, 276, 61(2), 338, 336(3), 318(4), 340(2) B.N.S., Sections 8, 9(1)A(va), 21, 27A, 29 N.D.P.S. Act and Section 27 Drugs and Cosmetics Act, Police Station Kotwali, District Ghazipur, during the pendency of the trial.

3. Sri Rajesh Kumar Singh, learned counsel for the applicant has submitted that as per prosecution story, the applicant has purchased 2,45,000 bottles codeine cough syrup from M/s Saili Traders though the sale was shown by the applicant to M/s Dilip Medical Agency and M/s Ayush Enterprises but the bottles of same batch number has been recovered from Tripura and West Bengal after two months of sale. Learned counsel has further submitted that during course of business transaction, the applicant after purchasing the original cough syrup sold it to M/s Dilip Medical Agency and M/s Ayush Enterprises, therefore the applicant has not committed any offence. It is further submitted that applicant has purchased the cough syrup bottles from Saili Traders within a span of one year which belongs to different batches and merely recovery of some of the bottles of same batch number will not attract the culpability of the applicant as the same batch number may have been transferred by the Saili Traders to other dealers. It has been further submitted that charge sheet has been filed in the present case, therefore, there is no requirement of custodial interrogation. The applicant is a law abiding citizen and he is languishing in jail since 07.05.2026. In case, he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

4. Per contra, Sri Anoop Trivedi, learned Additional Advocate General has opposed the prayer for grant of bail and has submitted that from own inspection of the Firm of the applicant, neither the stocks nor any document of sale was found though as per the E-Waybill the aforesaid consignment of codeine base cough syrup was transported from M/s Saili Traders, Ranchi to Ghazipur but as per toll plaza traceability report as well as statement of the owner of Transporter, no such delivery was made at Ghazipur and large consignment of same batch number was recovered from Tripura and West Bengal, which was being transported for intoxication. It has been further submitted that

during investigation, it was found that M/s Dilip Medical Agency as well as M/s Ayush Enterprises are not further sold cough syrup nor the stock was found therein. It has been further submitted that Rs.5 crores 41 lakhs were transferred by the applicant to M/s Saili Traders.

5. I have considered the submissions of learned counsel for the parties and perused the record.

6. Considering the submissions of learned counsel for the parties and taking into account the fact that though the e-way bill shows that the applicant had purchased 2,49,000/- bottles of codeine syrup from Saili Traders, but the traceability report of the concerned toll plazas shows that the same was not actually delivered to the applicant and even the alleged sale of 2,49,000/- bottles of codeine syrup by the applicant to Dilip Medical Agency and Ayush Enterprises was found to be forged, as no document was produced by the purchaser firms. Even the stock of the purchased bottles of codeine syrup was not recovered from the shops of Dilip Medical Agency and Ayush Enterprises, though these two firms had deposited Rs. 5,41,00,000/- in the account of the applicant's firm, which was further transferred by the applicant to Saili Traders, and a large stock of the bottles which was shown to have been purchased from Saili Traders by the applicant was recovered in Tripura and West Bengal during illegal transportation for the purpose of intoxication. Therefore, this Court is not inclined to release the applicant on bail.

7. Accordingly, the bail application filed on behalf of the applicant is hereby **rejected**.

126. Criminal Misc. Bail Application No. 4459/2026 (Sarvansh Vs. State of U.P.)

1. Heard Sri V.P. Srivastava, learned Senior Advocate, assisted by Sri Sunil Kumar Singh, learned counsel for the applicant, Sri

Chandan Agarwal, learned A.G.A.-Ist for the State and perused the record.

2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime no.896 of 2025, under Sections-206 (A), 271, 276, 61(2), 338, 336(3), 318(4), 340 (2) B.N.S. & 27 Drugs and Cosmetics Act & 8/9 (1)A(va)/21 N.D.P.S Act, Police Station- Kotwali, District- Ghazipur, during the pendency of the trial.

4. Sri Rajesh Kumar Singh, learned counsel for the applicant has submitted that as per prosecution story, the applicant has purchased 1,92,000 bottles codeine cough syrup from M/s Saili Traders though the sale was shown by the applicant to A.S. Pharma, Kashi Pharma, Galaxy Medical Agency, Mahadev Pharma, Shree Kedar Medical Agency and Bajrang Medical Agency but the bottles of same batch number has been recovered from Tripura and West Bengal after two months of sale. The applicant is proprietor of M/s Swastik Medical Agency. Learned counsel has further submitted that during course of business transaction, the applicant after purchasing the original cough syrup sold to A.S. Pharma, Kashi Pharma, Galaxy Medical Agency, Mahadev Pharma, Shree Kedar Medical Agency and Bajrang Medical Agency therefore the applicant has not committed any offence. It is further submitted that applicant has purchased the cough syrup bottles from Saili Traders within a span of one year which belongs to different batches and merely recovery of some of the bottles of same batch number will not attract the culpability of the applicant as the same batch number may have been transferred by the Saili Traders to other dealers. It has been further submitted that charge sheet has been filed in the present case, therefore, there is no requirement of custodial interrogation. The applicant is a law abiding citizen and he is languishing in jail since 13.12.2025. In case, he is granted bail, he

will not misuse the liberty of bail and would cooperate in the trial proceedings.

4. Per contra, Sri Anoop Trivedi, learned Additional Advocate General has opposed the prayer for grant of bail and has submitted that from the inspection of the applicant's firm, neither the stock nor any document of sale was found though as per the E-Way bill, the aforesaid consignment of codeine based cough syrup was transported from M/s Saili Traders, Ranchi to Ghazipur but as per toll plaza traceability report as well as statement of the owner of Transporter, no such delivery was made at Ghazipur and large consignment of same batch number was recovered from Siliguri and Agartala, which was being transported for intoxication. It has been further submitted that during investigation, it was found that A.S. Pharma, Kashi Pharma, Galaxy Medical Agency, Mahadev Pharma, Shree Kedar Medical Agency and Bajrang Medical Agency had not further sold cough syrup nor the stock was found therein. It has been further submitted that Rs.2 crores 91 lakhs were transferred by the applicant to M/s Saili Traders.

5. I have considered the submissions of learned counsel for the parties and perused the record.

6. Considering the submissions of learned counsel for the parties and taking into account the fact that though the e-way bill shows that the applicant had purchased 2,49,000/- bottles of codeine syrup from Saili Traders, but the traceability report of the concerned toll plazas shows that the same was not actually delivered to the applicant and even the alleged sale of 2,49,000/- bottles of codeine syrup by the applicant to A.S. Pharma, Kashi Pharma, Galaxy Medical Agency, Mahadev Pharma, Shree Kedar Medical Agency and Bajrang Medical Agency was found to be forged, as no document was produced by the purchaser firms. Even the stock of the purchased bottles of codeine syrup was not recovered from the shops of A.S. Pharma, Kashi Pharma, Galaxy

Medical Agency, Mahadev Pharma, Shree Kedar Medical Agency and Bajrang Medical Agency, though these six firms had deposited Rs. 2,91,00,000/- in the account of the applicant's firm, which was further transferred by the applicant to Saili Traders, and a large stock of the bottles which was shown to have been purchased from Saili Traders by the applicant was recovered in Tripura and West Bengal during illegal transportation for the purpose of intoxication. Therefore, this Court is not inclined to release the applicant on bail.

7. Accordingly, the bail application filed on behalf of the applicant is hereby **rejected**.

Bail Conditions

127. The applicants, who have been granted bail in the above cases, shall be released on the following conditions;

- i. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.
- ii. The applicant shall cooperate in the trial/investigation sincerely without seeking any adjournment.
- iii. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.
- iv. The applicant shall attend in accordance with the conditions of the bond executed by him.
- v. None of the applicants shall leave the country without permission of the trial court.

7. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

8. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

9. Verification of mobile number as well as Aadhaar Card of the applicant and sureties should also be conducted by the court concerned.

10. It is made clear that the applicant shall be released on the basis of downloaded copy of this order from the official website of High Court Allahabad and verified by the concerned counsel with the undertaking that the certified copy will be filed within 15 days.

11. It is directed that the trial court shall send the release order to the concerned jail through Bail Order Management System (BOMS) to ensure early release of the applicant.

12. Office is directed to send a copy of this order to the applicant through concerned **Jail Superintendent** via e-mail or e-prison portal and Trial Court via e-mode within 24 hours in compliance of the orders of the Apex Court in the case of **Policy Strategy for Grant of Bail, In Re: Suo Motu Writ Petition (Crl.) No. 4 of 2021** decided on **31.01.2023** reported in **(2024) 10 SCC 685** as well as in the case of **Pila Pahan @ Peela Pahan and others vs State of Jharkhand and another, in Writ Petition (Criminal) No.169 of 2025** decided on **29.05.2026**.

13. Applications, if any, stands disposed of.

128. This Court has also expressed its anguish towards Drug Department, which instead of proceeding under Drug and Cosmetics Act even for small violation of the conditions of license, has lodged the FIR under NDPS Act by mentioning incomplete, vague and unnecessary facts. It is also clear from the facts of several cases that before lodging the FIR, the Drug Inspectors have not given sufficient time to drug license holders, therefore they submitted the required documents before the investigating officer during investigation, which in many of cases have changed the version of FIRs.

129. Therefore, **Commissioner of Food Safety and Drug Administration (FSDA), Uttar Pradesh, Lucknow** is directed to look into the issue and apprise the Drug Inspectors regarding correct method of lodging the FIR.

130. Office is directed to send a copy of this order to the Commissioner of Food Safety and Drug Administration (FSDA),

U.P., Lucknow for compliance of paragraph Nos.95(9) and 128 of this judgement.

(Arun Kumar Singh Deshwal,J.)

September 01, 2026

A.Kr/SA/SC