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MHAU160046642025



Special Case No.1187/2025

The State of Maharashtra

Vs.

**Avinash Ramkrushna Patil and others**

**ORDER BELOW EXH.34**

Accused Nos.(1) **Avinash Ramkrushna Patil** and (12) **Rupesh Ramkrushna Patil** have filed this application for grant of bail under Section 483 of the Bharatiya Nagrik Suraksha Sanhita.

**Prosecution case in short is as follows :-**

[2] On 12.09.2025, lady Police Inspector Geeta Bagwade got secret information that one racket was working for selling intoxicant to the young girl and boys illegally. It was further informed to the said Police Inspector that Avinash Ramkrushna Patil (accused No.1) and Rupesh Ramkrushna Patil (accused No.12) resident of Shirajgaon, Tq. Chalisgaon have ordered consignment of bottles of Codeine Syrup from one Rayyan Medical Stores, Utter-Pradesh, to be sold and distributed to young girl and boys and the said consignment will reach to VRL Logistic at Waluj and Avinash Ramkrushna Patil (accused No.1) would come to the said VRL Logistic for receiving the consignment. Therefore, police along with panch witnesses arranged trap.

[3] Thereafter, police along with panch witnesses came near said VRL Logistic at Waluj and contacted Mahesh Garad, the Manager of the said Logistic Company and informed him about the matter.

[4] At about 02:30 p.m. one person came to the said VRL Logistic by his Swift Car, then he showed receipt to the Manager from mobile phone and asked for handing over the consignment. Accordingly, the said Manager handed over the consignment to the said person. Immediately, thereafter, police came forward and accosted the said person. On inquiry the said person disclosed his name as Avinash Ramkrushna Patil (accused No.1) resident of Shirasgaon, Tq. Chalisgaon. He further disclosed that he along with his associates called for the said consignment in the name of one Medical Shop of Amol Dattatray Yeole, which was closed. It was further disclosed by Avinash that his brother Rupesh Patil (accused No.12) is Medical Representative of Aristocrat Company and they all with the help of some other peddlers of their gang are selling and distributing said cough syrup illegally to gain monitory benefits.

[5] Thereafter, police took search of the said parcel/ consignment and found 20 boxes of containing 128 bottles each of Ratuss Syrup. The said cough syrup was containing Codeine Sodium Phosphate-Tripolidine Hydrochloride. Police seized the said boxes containing bottles in presence of panch witnesses and prepared panchanama to that effect.

[6] On further inquiry accused - Avinash Patil (accused No.1) disclosed that his brother Rupesh Patil (accused No.12) asked him to hand over some boxes to Arshad Ibrihim Pathan resident of Sambhajinagar. Sometime, thereafter, accused Arshad Ibrahim Pathan, Samir Shaikh Yunus Shaikh and Abdul Ajim Quadir Shah came there by auto-rickshaw. Accused Arshad talked to accused – Avinash Patil and told him that Rupesh Patil asked him to receive bottles from Avinash Patil.

[7] Then, on considering criminal history of the accused persons and technical evidence police found that accused – Rupesh Patil, Avinash Patil and Amol Yeole were purchasing said bottles of cough syrup from Uttar-Pradesh and selling them through their peddlers to young girls and boys illegally.

[8] Police brought accused Nos.(1) – **Avinash Ramkrushna Patil and accused No.(12) Rupesh Ramkrushna Patil** and seized muddemal to Waluj Police Station. Accordingly, Crime No.279/2025 came to be registered. On **13.09.2025** police arrested the present applicant. Investigation is completed and hence charge-sheet is filed. They are in Judicial Custody. Hence, he has filed this application for grant of **bail**.

[9] I have heard both the sides and perused the material placed on record.

[10] The Learned Advocate for the accused has submitted that as per the prosecution case on the say of the other accused

persons accused No.12- Rupesh Patil has been implicated in this matter. Such statement of the co-accused cannot be looked into to implicate other accused persons. These accused were not found while selling the said contraband article. Investigation of the crime is completed and charge-sheet is filed. Therefore, nothing remained to be discovered and recovered from these accused. Hence, their further custody is not required. These accused have no criminal antecedents, they have permanent place of abode. All witnesses of this case are Government Servants hence there is no possibility of tampering with the prosecution evidence. In this matter inventory of the seized goods was not conducted within the stipulated period and thus the prosecution has failed to comply with the provisions of Sec.52-A of the N.D.P.S. Act. Therefore, the accused is entitled for bail.

[11] From the material placed on the record, it appears that the accused No.1- Avinash Patil was caught on the spot having in possession 20 boxes containing 128 bottles each of Codeine Cough Syrup of 100 ml. having label of Codeine Phosphate, Triprolidine Hydrochloride Cough Linctus 100 ml each. Those were total 2504 bottles. On inquiry, it was found that the accused came there to purchase some bottles out of the above total bottles. Sections 8(c) and 22(c) of the NDPS Act, are applicable in cases where any person is found possessing, selling, purchasing or transporting Psychotropic substance.

[12] The Investigating Officer got conducted Inventory of the seized muddemal before the learned Judicial Magistrate, Gangapur, wherein it is found that there were 2484 bottles of Codeine Cough Syrup, after taking out 1 bottle a sample from each box. The Investigating Officer has produced on record photographs of the label of the said bottles, wherein it is written as RAYTUSS Expectorant, containing Codeine Phosphate and Triprolidine Hydrochloride Syrup 100 ml each, wherein each 5 ml of syrup containing 10 mg of Codeine Phosphate. Thus, 1 bottle of 100 ml syrup was containing 200 mg of Codeine Phosphate. Thus, total 2504 bottles of 100 ml each, were containing total 500.80 mg of Codeine Phosphate, which is more than small quantity but less than commercial quantity as specified in the Scheduled attached to the NDPS Act.

[13] As per the table mentioned in S.O.1055 (E), dated 19.10.2001 published in Gazette of India, Extra., Part II, Section 3(ii) dated 19.10.2001 (Notification specifying small quantity and commercial quantity) at Sr.No.28 Drug **Codeine is 10 grams**, is small quantity whereas **1 kilogram** is commercial quantity. In this matter certainly the quantity of seized muddemal is more than **10 grams but less than commercial quantity**.

[14] Considering the observations made by the Hon'ble Supreme Court in the matter of **E. Micheal Raj Vs Intelligence officer, Narcotic – AIR 2008 Supreme Court 1720**, actual

contents of Codeine Phosphate is required to be taken into consideration. Therefore, as mentioned above the said 2504 bottles are totally containing 500.80 mg. of Codeine Phosphate was seized in this matter.

[15] In this matter Sections 8(c), 22, 22(c), 25, 27-A and 29 of the NDPS Act have been applied. Sec.8(c) says that no person shall 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.

[16] Sec.21 provides punishment for contravention in relation to manufactured drugs and preparations. Its says whoever, in contravention of any provision of this Act or any rule or order made or condition of license granted thereunder, manufactures, possesses, sells, purchases, transport, imports inter-State, exports inter-State or uses any manufactured drug or any preparation containing any manufactured drug shall be punishable. Similarly section 22 (c) of the NDPS Act provides punishment for contravention in relation to psychotropic substances.

[17] Section 25 says that whoever, being the owner or occupier or having the control or use of any house, room, enclosure, space, place, animal or conveyance, knowingly permits it to be used for the commission by any other person

of an offence punishable under any provision of this Act, shall be punishable with the punishment provided for that offence.

[18] Section 27-A says that whoever, indulges in financing, directly or indirectly, any of the activities specified in sub-clauses (i) to (v) of clause (viii) of section 2 or harbours any person engaged in any of the aforementioned activities, shall be punishable with rigorous imprisonment for a term which shall not be less than ten years but which may extend to twenty years and shall also be liable to fine which shall not be less than one lakh rupees but which may extend to two lakh rupees.

[19] During the investigation the Investigating Officer collected Bank details, phone calls details and WhatsApp call and chatting details of the accused and other accused persons and it was found that these accused persons have contacted with each other and there were some money transactions amongst them. Therefore, considering the allegations made against the accused and his role in this crime provisions of Sec.8(c), 21, 22(c), 25 and 27-A of the NDPS Act appear to be applicable. Nature of the offence is serious. It is directly related to the future of the next young generation of this Country.

[20] Investigation of the crime is completed and charge-sheet is filed. However, considering the prima facie evidence against these accused, filing of the charge-sheet cannot be the sole ground for grant of bail. If the present accused is released

on bail possibility of his absconding and tampering with the prosecution evidence cannot be ruled out.

[21] Having regard to the above mentioned facts and circumstances, I am of the opinion that the present accused is not entitled for grant of bail. In the result, the application deserves to be rejected. I, therefore, pass the following order. :-

**ORDER**

Application is rejected.

Date – 09.02.2026

**(S.B. Bahalkar)**  
Additional Sessions Judge,  
Gangapur