



In The Court of Judge Special Court NDPS Act, Nagpur.

Presided over by
Shri. M. S. Ganorkar.

Special Case No.90 Of 2026

CNR No: MHNG010015932026.

Crime No.972 of 2025, P. S. Lakadganj

Tushal Pawan Agrawal.

V/s

State of Maharashtra.
(Through P.S. Lakadganj.)

Order below Exh.9
(Date: 23rd March 2026)

1. This is an application for issuance of directions as applicant/accused be released on bail , U/Section 483 of the Bhartiya Nagarik Suraksha Sanhita. Applicant/accused booked in Crime No.972 of 2025, for the offences punishable U/Sections 8(c), 22(b) of the NDPS Act and Section 18(a), 18(b), 18(c), 27(b) of Drug and Cosmetic Act and Section 123 of Bhartiya Nyay Sanhita.
2. Perused the application along with documents annexed here with and say/report of Investigating Officer/APP. Heard both the sides at length.
3. In the light of this facts emerged, submissions by the parties and material on the record, the following points arise for determination

before this Court. The said points and the findings thereon which follow the reasons as:

Point For Determination.

Sr. No.	Point	Finding
1.	Whether the applicant/accused made out the case as to issuance of direction as to be released on bail, in the given set of facts?	...Yes,
2.	What order?	...Application Allowed as per final order.

REASONS

As to the point no.1:

4. It is case of the applicant that he has been arrested on 20/11/2025 and since then he is in jail. It is alleged that on 18/11/2025 the Drug Inspector, Food and Drug Administration along with the police staff of PS Lakadganj conducted a raid at M/s Bhagwati Medical Stores, Itwari, Nagpur. The information received that Codeine Phosphate based cough syrups used for intoxication, were being sold illegally without prescription. Therefore, trap made at the medical shop, sold one bottle of ONEREX Cough Syrup to the punter. The currency notes were recovered from him During inspection of the shop premises the drug Inspector found 12 bottle of KUFDEINE and 59 bottles of ONEREX Cough Syrup containing Codeine Phosphate illegally sold and thereafter registered the offence under the NDPS Act and Drugs and Cosmetic Act.
5. The applicant further submitted that he has been falsely implicated in this crime. He is permanent of resident of Nagpur. Nothing has been seized from the possession of applicant. Since, the arrest he is in jail.

No purpose would be served by keeping the accused in jail for indefinite period. He is ready to abide by all conditions, if released on bail. Rigor of Section 37 of the NDPS Act is not applicable. Hence, prayed that application be allowed.

6. The Investigating officer opposed the application on the ground that the offence is serious and the investigating is not completed and if the applicants released on bail, he will tamper with the evidence and witnesses. The contraband seized from the applicant is used for commercial purpose. Hence, prayed that the application be rejected.
7. Learned Counsel for applicant submitted that first bail application filed before the Hon'ble High Court was rejected. Thereafter, applicant approached to the Hon'ble High Court seeking bail but in the present crime charge-sheet is filed and before Hon'ble High Court bail application of applicant is pending, therefore, applicant opted to withdraw the said bail application and Hon'ble High Court was allowed to withdraw with liberty to file fresh application before this Court. Therefore, after filing charge-sheet on the ground of change in circumstance the applicant filed bail application. It is submitted that nothing has been seized from the possession of applicant. He has been falsely implicated in this crime. Applicant is in custody since the arrest. The applicant is innocent. Now the charge-sheet is filed and role of the applicant is not shown stronger than the accused Shinvendra Varma. As per allegations the police seized total 475 bottle and 310 bottle are seized from the accused persons and 421 bottles were seized from the possession of applicant only that too under a valid medicine Trade License. The other accused have released on bail and on the ground of party the prayed for grant of bail.

8. Learned APP argued that applicant is drug peddler and the offence is serious. If the applicant is released on bail he may repeat such offence in future and he may engage in sell of drug. Hence, he prayed for rejection of application.
9. After perusal of case diary it appears that the drug seized by police is Codeine Phosphate Containing Cough Syrups from the possession of accused No.1 Tushar and accused No.4 Ameer Mehmood Sheikh i.e. present applicant No.2. From the say filed by I. O. on record it appears that various pills and Syrups, Capsules containing Acetaminophen, Tramadol HCL and Dicyclomine HCL, Tramadol Hydrochloride Capsules, Tablets OHMD Alpha, Alzoc, Codeine Phosphate and Tripolidine Hydrochloride Syrup total worth Rs.2,48,301/- were seized by the police from the possession of accused No.1 and 4. As per the allegations the police seized total 475 bottles but total 421 bottles are seized from the present applicant only that tool under a valid medicine Trade License. After going through the charge-sheet the role of the applicant is not shown stronger than the accused Shivendra Verma. As per police they seized all medical articles from the possession of accused, but, there is no direct evidence against the applicant that applicant is selling the drug as conspirator and there is no prepared the seizure the panchanama on the spot to show that the alleged Onerex Cough Syrup from the possession of present applicant. Applicant is in custody since the arrest. The Charge-sheet is filed. His further detention in custody is not necessary. There is no criminal antecedents against the present applicant. He is ready to abide by all condition. Other Accused are released on bail, therefore, on the ground of parity the applicant is also entitled for bail on imposing stringent conditions. Hence,

proceed to pass following order.

ORDER

1. Application (Exh.9) is allowed.
2. Applicant/accused ***Tushar Pawan Agrawal***, be released on bail, on executing Personal Recognition for bond of Rs.1,00,000/- (Rupees One Lakh only) with solvent surety in the like amount and cash security amount of Rs.5000/- (Rupees Five Thousand), in Crime Register No.972 of 2025 of Lakadganj *Police Station*, for the offence punishable U/Section 8(c), 22(b) of the NDPS Act and Section 18(a), 18(b), 18(c), 27(b) Drugs and Cosmetic Act and Section 123 of Bhartiya Nyay Sanhita, subject to following conditions :-

1. *The applicant shall not tamper with the evidence and the witnesses, in any manner. Further, the applicant, he directed 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.*
2. *The applicant shall not commit the similar offence of which he is charged.*
3. *Applicant is further directed as to submit complete address proof and mobile number of his own and as well as two those persons who are related to him.*
4. *Applicant/accused shall remain present on each date of proceeding or as and when called.*

Dictated and pronounced in open Court.

Date : 23rd March 2026.

(Manish S. Ganorkar)
Judge Special Court NDPS Act,
Nagpur.