



2026:AHC:200351

HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482
BNSS No. - 9009 of 2026**

Atahar Hasan Saiyed @ Saiyed Atahar Hasan
Munvarali

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Ajay Kumar Pandey, Arnav Dwivedi, Sr.
Advocate

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

Court No. - 68

(Sl. No. 83 out of 208)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Ajay Kumar Pandey, learned counsel for the applicant and Sri Deepak Kumar Singh, learned A.G.A. for the State and also perused the record.
3. The present anticipatory bail application has been filed on behalf of the applicant in F.I.R./Case Crime No. 164 of 2025, under Sections 18a(i), 17A, 27(a), 27b(i), 27(d) & 28A of Drugs and Cosmetics Act, Police Station - Hariparvat, District - Agra, with a prayer to enlarge him on anticipatory bail.
4. Learned counsel for the applicant has stated that the applicant is maliciously being prosecuted in the present case due to ulterior motive and has apprehension of his arrest. He has nothing to do with the said offence as alleged by the prosecution. Learned counsel has further stated that the instant case originated from a complaint instituted by the Drug Inspector, alleging that three drugs recovered from a retail establishment were manufactured by the applicant's firm. Samples of the said drugs were subjected to chemical analysis, wherein one drug, namely 'Safetrin-20' tablets was declared misbranded under the provisions of the Drugs and Cosmetics Act, 1940, on the ground that the Isotretinoin content was found to be 9.9 mg per tablet instead of the standard parameter.
5. Learned counsel further emphasizes that the other two sampled drugs,

namely Phosclin Gel (20 gm) and Propnil-AC-2.5 Gel (30 gm), were found to strictly adhere to the prescribed quality standards. Regarding the 'Safetrin-20' tablets, it is urged that the deviation is a negligible fraction of 0.1 mg, which can be safely attributed to standard testing variance or laboratory tolerance limits. Furthermore, it is submitted that the applicant independently got the identical batch analyzed by M/s Hiral Labs Limited, which certified the drug to be of standard quality. The said analysis report has been annexed as Annexure No. 4 to the affidavit accompanying the present application.

6. Learned counsel has lastly contended that the applicant has no criminal history. In case, the anticipatory bail application of the applicant is allowed, he will not misuse the liberty and shall cooperate with trial.

7. On the other hand, learned A.G.A. has vehemently opposed the prayer for grant of anticipatory bail but unable to dispute the submissions raised by the learned counsel for the applicant and also the fact that the applicant has no criminal history.

8. Considering the overall facts and circumstances of the case, the submissions advanced by the learned counsel for the parties, the nature of the offence, the severity of the prescribed punishment, and particularly the marginal 0.1 mg testing variance alongside the conflicting report of an independent laboratory, this Court *prima facie* finds it a fit case to extend the benefit of anticipatory bail to the applicant.

9. Without expressing any opinion upon ultimate merits of the case either ways which may adversely affect the trial of the case, the anticipatory bail application of the applicant is **allowed**.

10. In the event of arrest of the applicant, **Atahar Hasan Saiyed @ Saiyed Atahar Hasan Munvarali**, involved in the aforesaid case crime number, shall be released on anticipatory bail till the conclusion of trial on furnishing a personal bond with two sureties each in the like amount to the satisfaction of the Presiding Officer/Court Concerned, with the conditions that:-

- i. that the applicant shall make himself available for interrogation by a police officer as and when required;
- ii. that 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;

iii. that the applicant shall not leave India without previous permission of the court;

iv. that the applicant shall not tamper with the evidence during the trial;

v. that the applicant shall not pressurize/ intimidate the prosecution witness;

vi. that the applicant shall appear before the trial court on each date fixed unless personal presence is exempted;

11. In case of breach of any of the above conditions, the court concerned shall have the liberty to cancel the bail granted to the applicant.

12. It is made clear that observations made in granting anticipatory bail to the applicant shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

September 23, 2026

Siddhant

(Krishan Pahal,J.)