

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.113 OF 2015

Chandrakanth Babanrao Powar	... Applicant
vs.	
The State of Maharashtra	... Respondent

Mr. Ganesh Gole i/b. Dhananjay Kendre, for the Applicant.
Mr. S.S. Pednekar, APP, for Respondent – State.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **MARCH 19, 2015**

P.C.:

. This application is moved for anticipatory bail as the applicant/accused is facing charges for the offences punishable under Sections 406, 486 and 276 and also under Section 63 of the Drugs and Cosmetics Act, 1940.

2. The complainant Mandar Patil is the Director of Doliosis Private Limited Company, Pirungut, Pune which manufactures homeopathy medicines especially tonic and malt medicines from D1 to D92 and D130. It is the case of the prosecution that the complainant came across the medicines which were manufactured at Hyderabad, Andhra Pradesh. However, he found that the drugs D92 to D130 were found duplicate manufactured at Hyderabad, Andhra Pradesh. The Company on query found

that his regular distributor who is the applicant/accused had purchased these medicines i.e. D92 to D130 from one Ramu Kistam r/o. Hyderabad who has manufactured these medicines at the Company i.e. Siddharth Pharmaceuticals. He found that these drugs were sold illegally and in unauthorized manner. Therefore, he lodged the complaint with the police. Pursuant to which the offence was registered.

3. The learned counsel for the applicant/accused submitted that this Court has granted pre arrest bail in A.B.A. No. 1427 of 2013 and Application No. 98 of 2014 by an order dated 30-01-2014 in the similar nature of the matter. In the said cases, the applicant/accused was shown as a witness.

4. The learned counsel for the applicant/accused relied on the authority letter cum no objection certificate dated 19-03-2013 issued by the Director-Technical, Doliosis Homoeo Pharma Private Limited to Joint Commissioner, Department of AYUSH, Hyderabad, Andhra Pradesh whereby no objection is communicated in respect of manufacturing the drugs at Siddharth Pharmaceuticals at Secundrabad, A.P.

5. The learned prosecutor submits that police seized some

samples and the report of the same is that these medicines are not called spurious drugs. Here, in the present matter considering the charges levelled against the applicant/accused, whether the applicant/accused has *prima facie* committed breach of trust by distributing the drugs with knowledge that the drugs were not authorized to be in the market, is the issue. However, it appears from the submissions of the learned counsel and the records of the case that the applicant/accused is an authorized distributor of Doliosis Private Limited Company and moreover no objection certificate was given by Doliosis Private Limited Company to Siddharth Pharmaceuticals at Secundrabad to manufacture the said drugs of their company. In view of this, the accused is entitled to get the protection.

6. Hence, I grant anticipatory bail as under:

- a) In the event of arrest, the applicant/accused be enlarged on bail on furnishing P. R. Bond in the sum of Rs. 30,000/- (Thirty Thousand) with one or two solvent sureties in the like amount;
- b) The applicant/accused shall attend the Kothrud police station, Pune once in a week on every Saturday in between 3.00 pm to 6.00 p.m for two months.

7. Anticipatory bail application is disposed of on the above terms.

(MRS.MRIDULA BHATKAR, J.)