

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3891 OF 2016

Abhijeet S/o Arvind Vagdalkar
Age : 36 years, Occu. : Business,
Original R/o : 'Laxmi Sadan',
Samarth Colony, Degloor Road,
Udgir and presently residing at
Plot No.4A, Shivdatta Housing Society,
N-8, CIDCO, Aurangabad

.. Applicant/
Accused

Vs.

1] The State of Maharashtra,
Through the Incharge Police Station,
CIDCO Police Station,
Aurangabad

2] The Commissioner of Police,
Aurangabad

.. Respondents

Mr. G.A. Kulkarni, Advocate h/f. Mr. R.S. Deshmukh, Advocate
for the applicant

Mr. S.M. Ganachari, APP for the respondent/State

CORAM : A.S. CHANDURKAR, J.

DATE : 15/11/2016

ORAL ORDER :

Heard.

2. The applicant apprehends his arrest in crime no. 334 of 2016 registered at CIDCO Police Station, Dist. Aurangabad for the offences punishable under section 27(c)(1) of the Drugs and Cosmetics Act, 1940 and section 420 r/w. Section 34 of the Indian Penal Code.

3. On behalf of the applicant, it is submitted that certain drugs came to be purchased by Richmand Laboratories, of which the applicant is proprietor from M/s. Osheen Organics. Subsequently, these drugs were found to be spurious. The applicant thereafter recalled the stock that was supplied to the retailers. It is submitted that as the entire stock has now been seized, there is no need to have custodial interrogation of the applicant.

4. The application is opposed by learned Additional Public Prosecutor on the ground that the license issued to the applicant has a specific condition that the stocks shall be purchased from the duly licensed manufacturer. It is submitted that the applicant, having breached the condition of license, he is not entitled for any relief.

5. Perused the FIR as well as the documents relied upon by the prosecution during the course of investigation. Same indicates that M/s. Osheen Organics situated at Jaipur, Rajasthan, was the manufacturer of the aforesaid stock. The applicant has sold some of the stocks. The record indicates that on getting knowledge

about the sub-standard drugs, the stock has been recalled by the applicant from various retailers. The material in question having been duly seized and sent for chemical analysis coupled with the fact that the applicant has been granted ad-interim relief by this Court vide order dated 18/7/2016, I am inclined to allow the present application.

6. In the event of applicant's arrest in connection with crime no.334 of 2016 registered with CIDCO Police Station, Dist. Aurangabad, he shall be released on bail on furnishing P.R. bond of Rs.15,000/- (Rs. Fifteen Thousand) with one surety in the like amount.

7. The applicant shall attend the concerned Police Station as and when directed by the Investigating Officer. The applicant shall not take any steps to tamper with the material collected by the prosecution.

8. Application is accordingly allowed and disposed of.

[A.S. CHANDURKAR]
JUDGE

arp/