

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 659 OF 2017**

Mohammed Subhan Abdul Raheman	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. A. U. Nikam i/b Mr. Aashish Satpute for the Applicant

Ms. Rutuja Ambekar, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
FRIDAY, 7th APRIL, 2017

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P for the State.

2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. I-105 of 2016 registered with the Azadnagar Police Station, Nashik, for the alleged offences punishable under Sections 18(c), 18(a) r/w Section 27(b)(ii) and 28 of the Medicine and Cosmetic Act, 1940 and Rule 1945 and Section 142 of the Maharashtra Police Act.

3. Learned Counsel for the applicant submits that similarly placed co-accused Ishwar Dilip Badwane has been enlarged on bail by this Court vide order dated 31st March, 2017 and relies on the said order.

4. Learned A.P.P states that the applicant is a doctor and could not have purchased and sold the said products without a valid license. He states that the applicant has no antecedents.

5. Perused the papers. It is not in dispute that the products which were found in the stock were not spurious. The only allegation against the applicant is that as a doctor, he could not have purchased and sold the said products without a valid license as required under the Drugs and Cosmetics Act. Investigation is complete and charge-sheet is filed. The applicant has been in custody since 15th November, 2016. The maximum sentence that can be imposed is upto five years.

6. Considering the aforesaid, the applicant deserves to be enlarged on bail on the following terms and conditions :

ORDER

(i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 15,000/- with one or two sureties in the like amount;

(ii) The applicant shall inform his latest place of residence and mobile contact number and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(iii) The applicant to cooperate with the conduct of the trial

(vi) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

7. The application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.