

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 418 OF 2019

	...	
Mayur Shantilal Mehta & ors.		...Applicants
Versus		
The State of Maharashtra & Anr.		...Respondents
	...	
Mr. Shailesh Kharat for Applicant.		
Mr. A.R. Patil, APP for Respondent-State.		

CORAM	:	S. S. SHINDE, J
DATE	:	22nd August 2019

P.C.

1. Heard learned counsel appearing for the Applicant. Learned counsel appearing for the Applicant invites attention of this Court to the Rule 46 and Form 13 under the Drugs and Cosmetic Rules and submits that, it is not permissible for the Government Analyst to give remark that, "The Drug is spurious vide Section 17-B(d)" in the report.

2. Learned APP appearing for the State submits that, the contentions raised by the Applicant in respect of report of said analyst can be agitated before the concerned Court at appropriate stage of the proceedings.

3. Upon hearing learned counsel appearing for the Applicant and learned APP appearing for the State, this Court is not inclined to entertain this application. However, the Applicant will have liberty to agitate the contentions

raised on merits in the present application, at the appropriate stage of the proceedings before concerned Court.

4. With the above observations, Criminal Application stands rejected.

[S. S. SHINDE , J]