

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 351 of 2020**

- M/s Sanjay Medical Store House No. 333, Plot No. 42, Khasra No. 1209/2, 1126/1, Main Road (Ganesh Chowk), Dhamtari, District Dhamtari Chhattisgarh. Through Proprietor Shri Sanjay Munjwani S/o Shri Kishanchand Munjwani, Aged About 43 Years.

---- Applicant**Versus**

- State Of Chhattisgarh Through The Smt. Nikita Shrivastava, Drug Inspector, Office Deputy Director, Food And Drug Administration, District Dhamtari Chhattisgarh.

---- Respondent

For Applicant	: Shri R.S. Patel, Advocate.
For Respondent/State	: Shri Amit Kumar Verma, P.L.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****09/03/2020**

1. The Applicant is apprehending his arrest in connection with Special Criminal Case (Drugs and Cosmetic Act) No. 3/2019 pending before Special Judge (Drugs and Cosmetic Act), Dhamtari, (C.G.) for the offence punishable under Section 18(a)(i), 17(c), 17B(c) and 27(c) of Drugs and Cosmetics Act, 1940.
2. As per the prosecution story, on 07.06.2017 Mrs. Nikita Shrivastava, Drug Inspector, Food and Drugs Administration, Dhamtari alongwith one Shankar Verma made an inspection in the medical store i.e. M/s Sanjay Medical Store, Dhamtari (C.G.). During inspection, it was found that medicine namely Moxypa-CV625 tablet total 240 in numbers was kept in the store. The said 240 tablets were divided into four parts and out of those four parts, one part was sent to

Government Analyst Drug Testing Laboratory, Raipur in which the above mentioned drug/medicine was declared as below standard medicine. On the basis of the said, offence has been registered.

3. Learned Counsel appearing for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that *prima facie*, no case is made out against present applicant. Applicant had purchased the said drug/medicine from the co-accused M/s Kamla Enterprises. He further submits that applicant is not the manufacturer of the said medicine and he is not responsible in any manner regarding low standard of the medicine. Looking to the above, it is prayed that present applicant may be granted benefit of anticipatory bail.
4. Learned Counsel appearing for the State opposes the bail application.
5. I have heard learned Counsel appearing for the parties and perused the material available with due care.
6. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence collected by the prosecution, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicant.
7. Accordingly, the bail application is allowed.
8. It is directed that in the event of arrest of the applicant in connection with the aforesaid crime, he shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. He shall also abide by all the following terms and conditions :
 - i He 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/her from disclosing such fact to the Court,

- ii He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- iii He shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
Judge