

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1913 of 2019

Netram Patel S/o Mukundlal Patel Aged About 60 Years R/o Singhrupali, Police Station Patewa, Tahsil And District Mahasamund, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Food And Drugs And Cosmetic Department, Mahasamund, District Mahasamund, Chhattisgarh.

---- Respondent

For Applicant : Mr. Manoj Paranjpe, Advocate.

For Respondent/State : Ms. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

25/02/2020

1. The applicant has filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending his arrest in connection with Criminal Complaint Case No. 447/2018 pending before the Court of Chief Judicial Magistrate, Mahasamund Chhattisgarh for the offence punishable under Sections 18 (1), 18 (c) and 27 (b)(ii) and 28 of Drugs and Cosmetics Act, 1940.
2. As per prosecution story, On 26.03.2018, the Director, Food and Drugs has filed a complaint case against the applicant under Sections 18 (A) & 18 (c) of the drugs and Cosmetics Act, 1940. The complainant has filed a complaint inter-alia on the allegations that the applicant was found in possession of the various kinds of Drugs (medicines) without there being any license. On the date of filing of complaint, the applicant was not present before the learned CJM therefore learned CJM passed an order for issuance of warrant of arrest against the applicant. Thus, apprehending his arrest, the instant application has been filed by the applicant.
3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that the applicant is 60 years old man and in the year 1980 he has undergone the training of 6 months and the certificate was issued by the government authorities as Jan-Swasthya Rakshak **Annexure A/2**. From last 38 years, the applicant is providing medical facilities to the poor class of the society who are not reachable and living

in rural areas. The Counsel further submits that though the applicant is not having any license, but he is not committing any illegal activity. He is not doing the business of selling medicines. Therefore, prima facie no case can be made out against the applicant. The Counsel further submits that after registration of complaint, learned CJM instead of sending summons, directly issued non-bailable warrant against the applicant. The Counsel finally submits that the applicant is a reputed person of his society, he is a permanent resident of above mentioned address and there is no chance of his absconding, therefore, he may be granted benefit of anticipatory bail.

4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties and perused the case diary minutely.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties. Without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicant.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest, the applicant shall be released on 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 officer arresting him and he shall abide by all the following terms and conditions:-
 - I. That accused/applicant shall made himself available for interrogation before the concerned Investigating Officer as and when required;
 - II. The accused/applicant 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 facts to the Court or to any police officer;
 - III. The accused/applicant shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
 - IV. The applicant shall appear before the Trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-

(Arvind Singh Chandel)
Judge