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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1739 OF 2021**

LALIT RAO PATIL

....Applicant.

V/s

THE STATE OF MAHARASHTRA

.....Respondent

Mr. Rajiv Patil, Senior Advocate a/w Ms. Sonal Parab i/b Rajeev Sawant & Associates for the Applicant.

Mrs. A.A. Takalkar, APP for the Respondent/State.

PI Rohit Khot, Shivaji Park Police Station, present.

CORAM: NITIN W. SAMBRE, J.

DATE: NOVEMBER 29, 2021

P.C.:-

1] Applicant, a medical professional, is seeking pre-arrest bail in Crime No.254 of 2021 registered with Shivaji Park Police Station for the offence punishable under Sections 420 read with section 34 of the Indian Penal Code along with Sections 26, 27(c) of the Drugs (Price Control) Order, 2013 read with Section 7(1)(A)(2) of the Essential Commodities Act, 1955 read with Section 18(a), 18(c) of the Drugs and Cosmetics Act, 1940.

2] Prosecution case is, Applicant, a medical professional, is involved in an offence wherein he has tried to sell important medicines meant

for treatment in covid pandemic in black market.

3] In the aforesaid background, offence in question came to be registered.

4] Submissions of Mr Rahiv Patil, learned Senior Counsel appearing for the Applicant are, Applicant, a medical professional, is very much available for the investigation. According to him, there are no criminal antecedents and the injections were handed over to Pramod Yadav by the Applicant in trust so as to extend help to father of an ailing doctor as could be noticed from the record. As such, Mr. Patil would urge that the Applicant is entitled for bail.

5] While countering aforesaid submissions, learned APP Mrs. Takalkar would oppose the prayer as, according to her, trail of the movement of illegally procured Remdisivir injections pin points the Applicant to be the primary source of the same. According to her, during pandemic, there was short supply of the aforesaid medicine/injection in proportion to its requirement qua number of patients. As such, there were complaints about black marketing and

based on strong secret inputs, trap was laid which was found to be successful. In the investigation of the arrested accused, name of the Applicant has cropped up as a person from whom injections were sourced. As such, his prima facie involvement can be inferred. It is claimed that Application as such be rejected.

6] Considered submissions.

7] Applicant is a public servant holding MBBS Degree and presently working with ESIS Government Hospital, Mumbai. Applicant was, at the relevant time, holding additional charge of Resident Medical Officer.

8] The flow of Remdisivir injections which were illegally secured and supplied by the Applicant is through one Pramod Yadav, owner of Ahsa Pharmaceutical Medical Store. After procuring Remdisivir injections in black marketing, said Pramod Yadav handed over the injections to Rahul Yadav who was working in Medical Store of Sai Hospital, Antop Hill, Mumbai. Accused Urmila claimed to be working as nursing staff in the Sai Hospital and Rahul Yadav was in friendly

terms with her. As such, Rahul with the assistance of Urmila made available said injections to Rupesh son of Suresh Baikar, a Manager of Vedica Polyclinic. The said injections were sourced from Rajesh Kamlakar Patil of Vedica Polyclinic and said Rajesh Kamlakar Patil claims to have got the same from Urmila, a co-accused who in interrogation pin points finger towards Applicant.

9] All the aforesaid accused were arrested and accordingly entire trail pins points illegal source of Remdisivir injections at Applicant. The latest affidavit filed by the Investigating Officer depicts that the trap was carried out in association with the Office of Drug Control Administration. All the accused persons who were arrested have led the Investigating Agency to the present Applicant as the source of injections which were black marketed.

10] Applicant is working as a Director of ESIS Government Hospital, Mumbai. A batch of the drug which was seized in the offence in question though was not supplied to ESIS Government Hospital, however complicity of the Applicant of involving himself in black marketing of Remdisivir injections can be prima facie inferred from the

material collected during such investigation

11] In investigation, it is revealed that Applicant has taken Nadkarni Maternity Surgical and General Hospital on hire. The requirement of the said Hospital about oxygen and drugs was sourced from Asha Pharmaceuticals i.e. Pramod Yadav. As such, from the said inquiry, it has been revealed that Applicant is the source for said vials akin to Remdisivir injection. Though it is claimed by the Applicant that injections were meant for treatment of father of Dr. Ogale, said Dr. Ogale stated that he does not know the Applicant and he never asked the Applicant to provide injections. As such, Applicant has tried to misled the investigation and has not cooperated. The detail investigation carried out by the Investigating Officer in the case of the the Applicant prima facie demonstrates the complicity of the Applicant's involvement in the aforesaid crime. That being so, no case for bail is made out. Application as such stands rejected.

12] Ad-interim protection granted by this Court vide order dated 29th July, 2021 is extended for a further period of two weeks from 29/11/2021 as prayed.

(NITIN W. SAMBRE, J.)

Corrected as per order dated 4.12.2021