

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (BA) NO.622 OF 2021

(Ahmed Shakeb Hussain Vs. State of Maharashtra thr. PSO PS Pachpaoli, Nagpur)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. M.N. Ali, Advocate for Applicant.
Mr. N.S. Rao, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 28th JULY, 2021.

Hearing was conducted through video conferencing and the learned counsel agreed that the audio and visual quality was proper.

2. Heard.

3. The applicant is seeking bail in Crime 255/2021 registered with Police Station Pachpaoli, Nagpur for offences punishable under Sections 420, 188 read with Section 34 of the Indian Penal Code, Schedule 26 of the Drugs Control Order 2013, Section 3(c) punishable under Section 7 of the Essential Commodities Act and Section 18(c) punishable under Section 27 (b)(II) of Drugs and Cosmetics Act. The accusation is that the applicant and the co-accused procured the life saving drug Remdesivir and sold the same in black-market.

4. Considering the seriousness of the propensity of some anti-social elements, to earn at the expenses of patients battling Covid-19 pandemic, the Division Bench issued certain directions, *inter alia* vide order dated 06.05.2021. The Division Bench directed that offences involving theft or black-marketing of life saving drug/injection be tried by Special Court and by appointing a Special Public Prosecutor.

5. It is not in dispute that in the case at hand the investigation is complete, the charge-sheet is filed and the learned Judge who rejected the bail is conscious of the directions issued by the High Court to expedite the trial.

6. I have perused the material in the charge-sheet. There is sufficient material to connect the applicant with the crime. Apart from the material which is referred to by the learned Judge who rejected the bail application, there is statement of an independent witness who vouches for the fact that it was the applicant who brought the box containing Remdesivir injections to the pharmacy of the co-accused. Be that as it may, all these aspects are best left to the trial court to ascertain.

7. Considering the gravity of the accusations, the material on record and the fact that the trial is expedited, I am not inclined to grant bail.

8. However, if there is no significant progress in the trial in the next two months, the applicant shall be entitled to apply for bail afresh.

9. The application is dismissed.

JUDGE

NSN