

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

ANTICIPATORY BAIL APPLICATION NO. 3095 OF 2021

Mohammad Maaz Musa Shaikh Applicant

Versus

The State of Maharashtra & Anr. Respondents

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Mr. Niranjan Mundargi i/b. Thodur Law Associates for Applicant.
Mr. Ajay Patil, APP for State/Respondent.

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CORAM : SARANG V. KOTWAL, J.
DATE : 18th JANUARY, 2022
(through Video Conferencing)

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.719 of 2021 registered at Shantinagar Police Station, Dist. Thane, on 23/10/2021, under sections 420, 465, 468, 469 and 473 r/w. 34 of the Indian Penal Code (for short 'IPC').

2. Heard Shri. Niranjan Mundargi, learned counsel for the applicant and Shri. Ajay Patil, learned APP for the State.

3. The First Information Report (for short 'F.I.R.') is lodged by Food Inspector Raskar. He has stated that his field of

work is in Bhiwandi. Their office received a complaint that the medicines by the name ZIFI 200 were purchased in duplicate and were sold from medical store known as Sufiyan Medical and General Stores. The original medicine was manufactured at Solan, Himachal Pradesh. The stock which was kept with Sufiyan medical was of spurious drugs. The first informant and his team went to that shop and seized those tablets. They were in three batches with different batch numbers and different expiry dates. Some of the strips were with incomplete information about batch numbers and expiry dates. They seized about 4410 tablets. Other drugs were sealed in the shop itself. The first informant made further inquiry with the Pharmacist who was present in the shop. He informed that the shop was owned by one Ansari Abu Faiz Mohammad Nasim. He also informed that, in all, 5010 strips of that medicine tablets were purchased from Zamzam Medical, Samad Nagar, Kaneri, Bhiwandi. The applicant is the owner of Zamzam Medical. The owner of Sufiyan medical had purchased that stock of medicine from the present applicant. The F.I.R. further goes on to mention that the informant went to the applicant's shop but no

such medicine was found. But on further inquiries the applicant told the informant that, those strips were purchased by him from one Junaid Khan. The applicant also gave phone number of Junaid Khan but he was not found. On this basis the F.I.R. was lodged. The F.I.R. also mentions that, the analysis of the seized drug shows that they were not original and they were spurious drugs.

4. Learned counsel for the applicant submitted that nothing was found in the shop of the applicant. His custodial interrogation is not necessary. The F.I.R. itself mentions that the stock was procured by one Junaid Khan and, therefore, the applicant cannot be held responsible.

5. Learned APP opposed this application based on the narration in the F.I.R.

6. I have considered these submissions. The applicant's participation in the crime is recorded in detail in the F.I.R. The applicant had purchased those medicine strips from Junaid Khan without any bills and he had sold the same stock of medicine to Sufiyan medical again without bills. No record was kept. The applicant was obviously aware of the illegality of the entire

transaction. Selling spurious drug is a serious offence which affects public health and is dangerous to the society. Considering the serious nature of the offence and the applicant's direct involvement in the offence, his custodial interrogation is absolutely necessary. No case for grant of anticipatory bail is made out.

7. The application is rejected.

(SARANG V. KOTWAL, J.)