

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

ANTICIPATORY BAIL APPLICATION NO.3517 OF 2022

Shibanand Biswas s/o Sushant Biswas ..Applicant
VS.

The State of Maharashtra ..Respondent

Mr. Yashpal Rathore a/w Ms. Purva Basrur for the Applicant.
Mr. S. V. Gavand, APP for the State.
Mr. M. Desai, SPI, Navghar Police Station is present.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 12, 2023

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.

2. This is an application for pre-arrest bail in respect of the offence punishable under Sections 420, 467, 468, 471 of the Indian Penal Code, 1860 (hereafter "the IPC", for short) and under Sections 18(a), 18(c) and 27 of the Drugs and Cosmetics Act, 1940 in connection with C.R. No.280 of 2022 dated 12/04/2022 registered with Navghar Police Station.

3. Briefly stated it is the case that the company

belonging to Arvind Kumar Panechand Jain purchased drugs which are in the nature of antibiotics and supplied the same to Mira Bhayander Municipal Corporation. Arvind Jain was granted pre-arrest bail by this Court. During the course of the investigation, it was revealed that Arvind Jain has purchased these spurious drugs from one Amit Verma. Amit Verma was arrested. During the course of the investigation, it was revealed that the drugs in question were supplied to Amit Verma by M/s. Adarsh Pharma. The manufacturer of the said drugs is stated to be Wish Remedies. It was later revealed that the invoices of M/s. Adarsh Pharma are bogus. There is no such company by name of M/s. Adarsh Pharma or Wish Remedies. An amount of Rs.2.5 lakhs was paid in the account of the applicant towards the purchase of the said spurious drugs. The drugs are alleged to be supplied by the applicant.

4. It is contended by learned counsel for the applicant that the police have no authority to investigate into the matter and it is only the authorities under the Drugs and Cosmetics Act which can initiate the action against the

applicant. It is further submitted that the applicant has not been issued any notice under Section 41-A of the Code of Criminal Procedure (hereafter "Cr.P.C.", for short).

5. It is contended by learned APP that in view of Section 467 of the IPC being invoked, there is no question of issuance of notice under Section 41-A of the Cr.P.C.

6. In the present case considering the nature of the accusations which are very serious of the applicant having supplied spurious drugs during the Covid times to Mira Bhayander Municipal Corporation through the co-accused, custodial interrogation of the applicant is necessary as money has been transferred to his account by the co-accused and as it is revealed that M/s. Adarsh Pharma and Wish Remedies (manufacturer) is found to be not existing. This is not a fit case to grant anticipatory bail to the applicant.

7. The anticipatory bail application is rejected.

(M. S. KARNIK, J.)