

CRM-M-54823-2023

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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**
(221)

CRM-M-54823-2023

Date of decision:- 20.12.2023

Bharat Kumar**... Petitioner****Versus****State of Punjab****... Respondent****CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present:- Mr. Preetwinder Singh Dhaliwal, Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab for State-respondent.

SUVIR SEHGAL, J. (ORAL)

1. Instant petition has been filed under Section 439 Cr.P.C. seeking grant of post-arrest bail in case complaint case No.COMA-17-2022 dated 19.04.2022 titled as “*State through Drug Inspector Versus Ramesh Kumar and others*” under Section 18(a)(i) r/w 17-A and 17-B punishable under Section 27(b) (i) and 27(c) of the Drugs and Cosmetics Act, 1940 (for short “the Act”), Annexure P-1, which is pending in the Court of learned Chief Judicial Magistrate, Barnala, vide which the petitioner has been summoned to face trial vide order dated 16.08.2022, Annexure P-2.

2. Counsel for the petitioner submits that complaint, Annexure P-1, has been lodged by the Drug Inspector alleging that the petitioner and co-accused are involved in the manufacture and sale of adulterated hand sanitizers. He urges that the accused company is not the manufacturer of the hand sanitizers, which were sourced from M/s J.S.Industries, New Delhi. He submits that this position was explained in reply dated 20.11.2023, Annexure P-3, to the notice, but has not been considered and complaint, Annexure P-1, has been lodged. It is his argument that the alleged samples

were never taken from the premises of the accused-company, but from M/s Laksh Surgical @ Medicos and the possibility of adulteration at the retail premises cannot be ruled out. Still further, he contends that he did supply the hand sanitizers to M/s Laksh Surgical & Medicos and he is not guilty of the alleged offence. He submits that pursuant to summoning order dated 16.08.2022, Annexure P-2, petitioner surrendered before the Court on 17.10.2023 and was taken into custody. Counsel submits that the complaint is at an initial stage and the petitioner, who has clean antecedents, deserves to be enlarged on bail. He has also placed reliance upon order, Annexure P-6, whereby co-accused has been granted anticipatory bail.

3. *Per contra*, State counsel, upon instructions, from Ms. Parneet Kaur, Drug Inspector, Barnala, has opposed the petition and has submitted that the petitioner is the Director of the accused-company and is directly involved in the manufacture of the adulterated hand sanitizers. He submits that the alcohol content in the hand sanitizers was found to be of a lesser quantity and instead Methanol has been used, which is harmful for skin.

4. Having heard counsel for the parties, but without adverting to the merits or demerits of the allegations levelled in the complaint, Annexure P-1, this Court is *prima facie* of the view that the petitioner deserves to be enlarged on bail. The arguments addressed by the counsel for the petitioner would be examined during the course of trial and are not required to be gone into at this stage. Petitioner has been in custody for the last more than two months, the trial is yet to start and he enjoys clean antecedents are other factors, which weigh in his favour.

5. In view of the above, petition is allowed. Petitioner is ordered to be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Area Magistrate/Duty Magistrate/Trial Court concerned.
6. Nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

20.12.2023
Kamal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No