



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

BAIL APPLICATION NO.731 OF 2024

Aman Singh,
Age-34 years, Occu:Business,
R/o-1292-B, Deep Complex,
Hallo Majra, Bair Majra,
Chandigarh

...APPLICANT

VERSUS

The State of Maharashtra,
Through Superintendent of Police,
Ahmednagar, Tq. & Dist-Ahmednagar.

...RESPONDENT

...
Mr. Anshuman Sinha i/b. Mrs. Swati P. More (Nade) Advocate
a/w. Mr. P.P. More for Applicant.
Mrs. P.J. Bharad, A.P.P. for Respondent-State.
...

CORAM: S.G. MEHARE, J.

DATE : 13th JUNE, 2024

ORDER :

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

2. The applicant seeks bail in Crime No.325 of 2022
registered with MIDC Police Station, Ahmednagar for the offence

punishable under Section 18A, 18(c), 22, 27, 28 of the Drugs and Cosmetics Act, 1940 and Section 420, 468, 471 read with Section 34 of the Indian Penal Code.

3. The applicant was sales manger in M/s. IVA Healthcare Pvt. Ltd. located at Himachal Pradesh. Two cartons containing label of medicines have been received at the ware house at Ahmednagar. However, the medicines found in the cartons were not matching to the description given outside the cartons. The cartons were containing abortion kits. The prosecution has a case that, the applicant had dispatched the said cartons. He was involved in illegal medicine business. After great attempts the applicant was arrested on 15th January 2024. The applicant has undergone the police custody and now is in magisterial custody.

4. Learned counsel for the applicant argues that the allegations against the applicant are improbable. Applicant has no concern with the dispatch department of the company. False allegations have been levelled against him that he has packed the abortion kits in the cartons having some other label. Since the applicant has no concern with the said drugs, he cannot be held responsible for pulling in the said material in the carton.

The applicant is a resident of Haryana. In the same offence, similarly situated co-accused – Nitin Bothe has been granted bail and therefore, the applicant deserves the bail.

5. Learned APP has serious objections. She would submit that the offence is serious because the applicant has transported the prohibited medicines which are not easily available in the market. The applicant and co-accused Nitin Bothe were indulged in such illegal traffic of medicines. Considering the gravity of the offence, bail should not be granted to the applicant. Learned APP has apprehension of absconding the applicant accused since he resides in the State of Haryana.

6. Prima facie the acts alleged against the applicant are serious. But we should examine, how long the applicant would be kept behind the bars. The material investigation against him has been completed. The investigation officer has already collected the cartons in which the alleged drugs were dispatched. However, there is substance in the objection of the learned APP that possibility of absconding accused cannot be ruled out.

7. The learned Advocate for the applicant states that the applicant would reside at Indore with his brother and he would furnish the address of his residence and also furnish undertaking that he would be available on the given address as and when required for the purpose of the trial and would attend the trial on each and every effective date. At this juncture, the statement of the learned counsel for the applicant on behalf of the accused is accepted. For the above reasons, the application deserves to be allowed. Hence, the following order :

ORDER

(I) Bail Application is allowed.

(II) Applicant - Aman Singh be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of the like amount, in above crime, on the condition that:-

(a) The applicant shall produce his permanent address of the house of his brother residing at Indore.

(b) The applicant shall furnish an undertaking that he would be available on the given address as and when required for the purpose of the trial.

(c) The applicant shall not involve in a similar crime.

(d) The applicant shall attend the trial on each and every effective date.

(III) It is made clear that the observations made in this order are restricted to the present bail application only.

[S.G. MEHARE , J.]

asb/JUNE24