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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1543 OF 2023

Swapnil Baburao Kallurwar

APPLICANT

VERSUS

The State of Maharashtra and Another

RESPONDENTS

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Mr. Joydeep Chatterji, Advocate for the applicant

Mr. A. R. Kale, APP for respondent - State

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 1st MARCH, 2024

ORDER :

1. Applicant apprehends arrest in Crime No. 813 of 2023 registered with Rahuri Police Station for offence punishable under section 276, 420, 468, 471 read with 34 of the Indian Penal Code.

2. Drug Inspector Dnyaneshwar Darandale lodged FIR, stating that, during the visit to Roshan Medical Store, situated at Takalimia, Taluka- Rahuri, he found the stock of Globucel 10 manufactured by Intas Pharmaceuticals Limited, which he suspected to be spurious / fake. Therefore, he seized remaining stock of the said medicine. During investigation, it is transpired that some stock of spurious / fake medicine was sold to

applicant, who in turn sold it to others. It is, therefore, claimed that applicant has purchased and sold spurious / bogus medicines. FIR is, therefore, lodged against Sayyad Mudatsar Hasan, applicant, Amit and one unknown person.

3. Heard learned advocate for applicant and learned APP for the State. Perused the papers of investigation.

4. It is the case of applicant that he has transactions of sale and purchase of medicines with Roshan Medicals since last 5 years. Record of said transactions is annexed to the application. Applicant claims that he had purchased 102 vials of Globucel 10 medicine from Roshan Medicals and when the Drug Inspector informed him that the said drug / medicine is spurious, he returned the remaining 32 vials to Roshan Medicals and got acknowledgment of the same. It is, therefore, submitted that applicant is not involved in present crime and he has done all the transactions online and had paid consideration amount of said drug online.

5. *Prima facie*, there appears substance in the contention of applicant that applicant was doing business with Roshan Medicals since last 5 years and he has purchased the medicine involved in the present crime from Roshan Medicals and record to that effect

is there.

6. Applicant was granted interim protection and he has co-operated in the investigation. Nothing is to be recovered from applicant. Offence is registered in the month of July, 2023 and investigation to the extent of applicant is almost complete. Nothing is to be recovered from applicant, hence, his pre-trial custodial detention is not necessary.

7. In this view of the matter, application is allowed by confirming interim protection. Till filing of charge sheet applicant shall attend the concerned police station as and when called by the Investigating Officer and co-operate in the investigation. Applicant shall not tamper prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE