

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

Anticipatory Bail Application No. 2541 of 2024

Zeeshan Shahnawaz Bardi
Age 34 years, Occ. Business,
R/at. Village Bapgaon,
Tal. Bhiwandi, Dist. Thane.

...Applicant

Vs.

The State of Maharashtra
(At the instance of Police Inspector,
Bhoiwada Police Station, Bhiwandi
Vide C.R. No.629 of 2024)

...Respondent

Mr. Mohd. Umar Kazi a/w. Ms. Sonia Santis, for the Applicant.
Mr. Yogesh Y. Dabke, APP for the Respondent – State.
API Shriraj Mali, Bhiwandi Crime Thane City present.

**Coram: R. N. Laddha, J.
Date: 11 September 2024**

P.C.

Heard Mr Mohd Umar Kazi, the learned counsel for the applicant and Mr. Yogesh Dabke, the learned Additional Public Prosecutor representing the respondent / State.

2. This is an application for pre-arrest bail filed by the applicant, apprehending arrest in CR No.629 of 2024, registered at Bhoiwada Police Station, Bhiwandi, for offences punishable under Section 18(C) of the Drugs and Cosmetics Act, 1940.

3. The complainant, a drug inspector in Thane, conducted a raid on

5 August 2024, at a premises near Jama Masjid on Baggaon Padgha road, accompanied by staff from crime branch, Bhiwandi. During the raid, they found accused No.1 to 4 at the scene, engaged in the unauthorised manufacture of cattle injections. Upon investigation, it was discovered that these individuals were producing the injections using various chemicals without possessing necessary licenses or permits. The inquiry revealed that the premises where the raid took place are owned by the present applicant, the proprietor of the injection manufacturing factory. The four accused persons were found to be working under the applicant's direction, manufacturing injections on his behalf.

4. Mr Mohd Umar Kazi, the learned Counsel for the applicant, submits that the applicant has been falsely implicated in the crime. The alleged injections have already been seized, and there is nothing further to be recovered or discovered from the applicant warranting his custody. The applicant is ready to co-operate with the investigation.

5. Mr Yogesh Dabke, the learned APP, contends that the applicant is the owner of the factory where the injections were manufactured illegally. The applicant did not have the necessary licenses or permits to manufacture these injections. The learned APP emphasises the severity of the offence and the need for strict measures to prevent the proliferation of the medicinal injections within society. The applicant's custodial interrogation is urgently required to avoid losing vital links.

6. It is a settled position in law that the power to grant anticipatory bail is extraordinary. While it has been acknowledged in many instances that regular bail is considered a general rule, the same analogy cannot be applied to anticipatory bail. The decision to grant anticipatory bail must be exercised with careful and prudent discretion by the Court, considering each case's specific circumstances. A straight jacket formula cannot be applied. While exercising this power, the Court must exercise caution, as granting protection in serious case could potentially lead to a miscarriage of justice or hinder the investigation by allowing tampering or destruction of evidence. A profitable reference in this regard can be made to the decision of the Hon'ble Supreme Court in *Shrikant Upadhyay and Ors. v. State of Bihar & Anr. 2024 SCC OnLine SC 282*.

7. The production and sale of bogus medicine is a serious crime against society. It is imperative to take decisive action to curb any activity related to the manufacturing, distributing, and selling bogus medicines, conducting a thorough investigation with the utmost seriousness.

8. Upon perusing the records, it appears that the applicant owns the factory where the injections were manufactured using chemicals without valid licenses/permits. During the raid, the police seized 17 boxes of injections intended for cattle. The co-accused were found on the site while manufacturing these medicines/injections. *Prima facie*,

there is sufficient material against the applicant to implicate him in the crime. The ongoing investigation aims to uncover an extensive network involved in unauthorised drug manufacturing and sale. Given the severity of the offence and its societal impact, the custodial interrogation of the applicant is deemed necessary.

9. In light of the forgoing, the application stands rejected.

[R. N. Laddha, J.]