



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO. 791 OF 2024

Suresh s/o Dattatraya Patil Vs State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. A.C. Jaltare, counsel for applicant.

Mr. S.A. Ashirgade, Addl.PP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 11/12/2024.

1. The applicant is apprehending the arrest at the hands of police in connection with Crime No. 534/2024 registered with Police Station Ajni, Nagpur for the offence punishable under Sections 420, 468, 471, 276 read with Section 34 of Indian Penal Code, 1860.

2. Learned counsel for the applicant submitted that crime is registered on the basis of a report lodged by Drug Inspector alleging that he has visited the Pharmacy situated in Government Medical College and Hospital, Nagpur owned by the present applicant, and during the inspection he has collected various medicine samples for the purpose of testing the quality and standards of the same. Out of the said samples, a medicine, namely Reclav-625 tablets, was found to be spurious. It is further alleged that upon being found, the said medicine, the informant inquired with the pharmacist at Government Medical College and Hospital, Nagpur, and it was revealed that he

had procured the same from Vishal Enterprises, Kolhapur, of which the present applicant is a proprietor.

It is alleged that on 01/08/2024, the complainant sent a letter to the present applicant inquiring about the said drugs and the details relating to the procurement as well as supply of the said drug. It is contended that he has procured the said medicines from Pharmaxis Biotech, located at Surat, Gujarat. On the basis of the said report, police have registered the crime against the present applicant and the other co-accused.

3. It reveals during the investigation that he has procured the same, and therefore, the inquiry was also conducted with the said manufacturing company. Thus, it reveals that the applicant is neither the manufacturer, he has only purchased the same after verifying the details from the supplier. Thus, he has not committed any offence.

4. Learned APP strongly opposed the said application and submitted that during the inspection the tablet Reclav-625 Batch No. RLC-61023 was found, and the medicine was of a sub-standard and therefore, the investigation was carried out. During the investigation, the involvement of the present applicant revealed, in view of that, the application deserves to be rejected.

5. After hearing both sides and on perusal of the investigation papers, it reveals that documents which are filed on record show that the applicant is the proprietor of the medical shop, and he is not the manufacturer or the

distributor of the said medicine, but he has obtained it from one Pharmaxis Biotech, which is the distributor of the said medicine. The said Pharmaxis Biotech is also not the manufacturer, but the manufacturer is the Activentis Biotech Pvt. Ltd.. Thus, considering the role of the present applicant and considering the fact that the applicant has already cooperated with the investigating agency, in view of that, the interim protection granted to the present applicant deserves to be confirmed. Accordingly, I proceed to pass the following order.

- a] The criminal application is allowed.
- b] In the event of the arrest, the applicant - ***Suresh s/o Dattatraya Patil*** in connection with Crime No.534/2024 registered with Police Station Ajni, Nagpur for the offence punishable under Sections 420, 468, 471, 276 read with Section 34 of the Indian Penal Code, 1860 be released on anticipatory bail on executing PR. bond of Rs.25,000/- with one solvent surety in the like amount.
- c] The applicant shall attend the concerned police station as and when required for the investigation purpose, and the investigating officer shall issue seven days notice in advance to the applicant whenever he requires his attendance for the investigation purpose.

- d] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case either personally or by way of electronic media.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]