

THE HONOURABLE DR.JUSTICE G.RADHA RANI**CRIMINAL PETITION Nos.3537 and 3538 OF 2024****COMMON ORDER:**

Crl.P.No.3537 of 2024 is filed by the Accused No.1, Crl.P.No.3538 of 2024 is filed by the Accused No.2 under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short “Cr.P.C”), respectively, seeking regular bail in Crime No.154 of 2024 on the file of the Station House Officer, Begumpet Police Station, Hyderabad registered for the offence punishable under Sections 8(c) read with 22 (b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short ‘NDPS Act’).

2. The case of the prosecution in brief was that on 09.03.2024 at 17:30 hours, on receipt of credible information that the Accused were selling tablets and syrups containing NDPS drugs at Mahaveer Medical Shop, Rasoolpura, Secunderabad, the Detective Inspector of Police, Begumpet Police Station after obtaining permission from the Assistant Commissioner of Police, Begumpet Division, along with mediators and his staff went to the said Medical Shop. They found Accused Nos.1 and 2 in the said shop. Accused No.1 was running Mahaveer Medical Shop and Accused No.2 was the salesmen in the said shop. The said Medical Shop was having drug license in the name of B.Avinash (who was shown as

Accused No.4). The Detective Inspector came to know that the petitioners were selling H1 Drugs like NITRAVET etc., without Doctor's prescription to the customers at the said Medical Shop for higher prices. The Inspector also secured the presence of a Drug Inspector and a Gazetted Officer and seized the following schedule Drugs viz., (1) Magnatuss-t-Cough syrup (Codeine Phosphate & Triprolidine Hydrochloride syrup) - 230 Bottles (2) Tramasure 100 (Tramadol Hydrochloride Injection)- 70 Injections 3) Spasmo-Proxymon Plus (Dicyclomine Hydrochloride, Tramadol Hydrochloride & Acetaminophen capsules)- 570 Capsules (4) Nitrazepam (Nitrazepam Tablets IP 10 mg) - 60 Tablets (5) Ultra King (Tramadol Hydrochloride Acetaminophen Tablets USP)- 30 Tablets (6) Zlofresh 10 mg (Zolpidem Tartrate tablets IP 10 mg) (7) Restyle 5 mg (Alprazolam IP 0.5mg)- 30 Tablets (8) Etizolam tablets (Etizolam tablets IP)- 30 Tablets (9) Cloba 5 (Clobazam Tablets IP 5 mg)-30 Tablets 10) Lonazepam 0.25 mg (Clonazepam Tablets IP)-30 Tablets and (11) Librium 10mg (Chlordiazepoxide tablets IP)- 30 Tablets.

2.1. On enquiry, Accused No.1 confessed that he was purchasing the said medicines through Ireni Ramesh Goud, a Medical Representative at Mankind Pharma (who was shown as Accused No.3). In pursuance of the confession of Accused No.1, the Inspector along with the Drug Inspector and Gazetted Officer proceeded to the house of Accused No.3 at New

Bowenpally, Secunderabad and apprehended him. On enquiry, Accused No.3 admitted that he used to supply the said Drugs to Accused No.1 of Mahaveer Medical Shop at Rasoolpura, Begumpet, Secunderabad with duplicate bills. On 29.02.2024, he purchased Narcotic Drugs at P.S. Global Agency, back side of Gokul theatre, Erragadda, Hyderabad on the name of Madeeha Medicals, Prakash Nagar and purchased 260 bottles of magnatuss-T-cough syrup (Codeine phophate & Triprolidine Hydrochloride syrup) and supplied the same to Accused No.1 out of which around 30 bottles were sold by Accused No.1 to customers without Doctor's prescription. The Inspector produced A1 to A3 along with the seized material and lodged a complaint, basing on which the above crime was registered.

3. Heard learned counsel for the petitioners/Accused Nos.1 and 2 and the learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner/A1 submitted that the medicines which were seized from the shop of the petitioner were not prohibited medicines. That the tablets and syrups which were seized from the shop of A1 did not have Drug content more than small quantity. He stated that he prepared a statement of all the medicines that were seized and the quantity of NDPS Drug content in them. The medicines having different nomenclature were 10 in number, among them the tablets/syrup seized

from each brand of medicine was having NDPS Drug content less than commercial quantity. All the medicines which were seized were purchased under bills from the wholesaler. The medicines were not prohibited for sale. The aforesaid criminal case was registered at the behest of rival business people in the area. The petitioner was not having any criminal antecedents, he was falsely implicated in this crime and prayed to enlarge the petitioner on bail.

4.1. With regard to Accused No.2, learned counsel for the petitioner/A2 submitted that A2 has been working as a salesman for the past 20 years in M/s. Mahaveer Medical and General Stores, at Rasoolpura, Begumpet, Secunderabad. The wife of petitioner/A2 was carrying 9th month pregnancy. The presence of the petitioner was very much necessary, there was nobody to take care of her and prayed to release the petitioner/A2 on bail.

5. Learned Additional Public Prosecutor opposed grant of bail to the petitioners submitting that A1 was doing business without having valid Drug license. As such he approached A4 who had pursued B-Pharmacy and having a valid Drug license and obtained permission duly submitting all the necessary documents in the name of A4 to operate pharmacy business in the name of A4 and both A1 and A3 agreed that A1 had to pay Rs.2000/- monthly to A4 as goodwill for running the pharmacy in

the name and style of Mahaveer Medical Shop at Rasoolpura, Secunderabad. A1 was running the said shop from the past 12 years and A2 was working as a salesman in the said shop. A1 procured the scheduled Drugs in large quantity from A3 above the ceiling limit. A3 who was Representative at Mankind Pharma used to supply such medicines as per the requirement of A1 from P.S. Global Agency situated at back side of Gokul theatre, Erragadda, Hyderabad in the name of Madeeha Medicals, Prakash Nagar. A1 was selling the said Drugs to the customers without any Medical prescription, which would attract the offence under Section 8(c) read with 22 (b) of the NDPS Act, as such, the petitioners were not entitled to be released on bail.

6. Perused the record.

7. Considering the submissions of both the learned counsel and considering that A1 was running the Shop by obtaining license in the name of A4 and was procuring medicines from A3 without any valid bills and was selling the same to customers without any prescriptions by the Doctor's and the said drugs were stated to be containing Narcotic and psychotropic substances which were harmful to the health of the persons consuming them and the investigation was only at an initial stage, it is considered not a fit case to release the petitioner-A1 on bail at this stage.

8. However, considering that the petitioner/A2 was only a sales person at the Medical Shop and he was acting as per the instructions of A1 and considering the circumstances stated by the learned counsel for the petitioner that his wife was carrying 9 months pregnancy and there were no one to take care of her, it is considered fit to enlarge the petitioner/A2 on bail on certain conditions.

9. Accordingly, the Criminal Petition No.3537 of 2024 is dismissed and the Criminal Petition No.3538 of 2024 is allowed and the petitioner/Accused No.2 shall be released on regular bail subject to the following conditions:

i) The petitioner/Accused No.2 shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each with two sureties for a like sum each to the satisfaction of the learned I Additional Metropolitan Sessions Judge, Hyderabad.

ii) The petitioner/Accused No.2 shall abide by the conditions stipulated in Section 437(3) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

Dr. G.RADHA RANI, J

Date: 02.04.2024
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THE HONOURABLE DR.JUSTICE G.RADHA RANI

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Dated 02.04.2024

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