

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.13006 of 2024

ORDER :

This criminal petition is filed by the petitioner/accused No.1 under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhitha (for short 'BNSS') seeking regular bail in S.C.No.267 of 2022 on the file of Sessions Judge, Nizamabad, registered for the offences punishable under Sections 17B(d), 18(a)(i), 18B and 22(1)(cca) of the Drugs and Cosmetics Act, 1940.

2. Heard Sri. M.Vijayakanth, learned counsel appearing for petitioner and Mr. Syed Yasar Manoon, learned Additional Public Prosecutor appearing for the respondent-State and perused the record.

3. The case of the prosecution, in brief, is that the petitioner/accused No.1, who is the Proprietor of accused No.2-Firm has supplied Oflorac-200 (Ofloxacin 200 mg) tablets to M/s. Akansha Pharmaceuticals, Gole Hanuman, Nizamabad and also to other medical dealers. On 28.10.2013, the Assistant Drugs Control Administration, Nizamabad, has conducted a raid on M/s. Akansha Pharmaceuticals. On suspecting the quality of drugs, the

de facto complainant took samples of drugs and sent them to the Government Analyst for the purpose of test and analysis. The Government Analyst declared the sample of Ofloxac-200 (Ofloxacin 200 mg) tablets as 'Not of Standard Quality', since the content of Ofloxacin is found to be 88.77 mg, out of labeled claim of 200 mg i.e., 44.385%. Thus, the petitioner/accused No.1, who is the Proprietor of accused No.2-Firm has manufactured a spurious and Not of Standard Quality Drug. Basing on the said complaint, the Police conducted investigation and after completion of investigation, charge sheet was filed before the Court concerned and the same is numbered as P.R.C.No.18 of 2014. Thereafter, the learned Magistrate has committed the case to the Sessions Court, wherein, it is re-numbered as S.C.No.267 of 2022.

4. The learned counsel for the petitioner would submit when the case was posted for appearance, since the petitioner failed to appear before the Sessions Court, the Sessions Court has issued non-bailable warrants against him. The petitioner was produced before the Sessions Court by way of P.T. Warrant and he was remanded to judicial custody on 19.08.2024, pursuant to execution of non-bailable warrants. Learned counsel further submitted that the petitioner could not appear before the Sessions Court, since he was in judicial custody

in another case, but there is no intention on his part for his non-appearance. He further submitted that the petitioner is aged about 53 years and has been suffering with severe medical ailments and he was released on bail in other cases pending against him and his passport was also deposited before the Court concerned. Learned counsel further undertakes that the petitioner would appear before the Sessions Court on every date of hearing, till the conclusion of trial.

5. The learned Additional Public Prosecutor opposed the application stating that the petitioner is involved in several offences and if he is released on bail, he may commit similar type of offences. Hence, prayed to dismiss the petition.

6. Having heard both sides and perused the material on record, since the petitioner was released on bail in all other cases and in view of the undertaking given by the petitioner that he would appear before the Sessions Court on every date of hearing, till the conclusion of trial, this Court is of the considered view that it is a fit case for grant of bail, subject to following conditions:

- i. The petitioner/accused No.1 shall be released on bail on his executing a personal bond for Rs.25,000/- with two sureties for the like sum each to the satisfaction of the Sessions Judge, Nizamabad.

- ii. The petitioner/accused No.1 shall appear before the Sessions Court on every date of hearing, till the conclusion of trial.
 - iii. If the petitioner/accused No.1 commits any violation of the above conditions, the Sessions Court is at liberty to take steps in accordance with law.
7. Accordingly, this Criminal Petition is allowed.
- Miscellaneous applications, pending if any, shall stand closed.

Date: 13.11.2024
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K. SUJANA, J