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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 2142/2023**

RAM KUMAR @ HARBIR

..... Petitioner

Through: Mr. Tanveer Ahmed Mir, Mr. Yash
Dutt and Mr. Shashwat Sarin, Advs.

versus

STATE GOVT. OF NCT OF DELHI

..... Respondent

Through: Mr. Hemant Mehla, APP for State
alongwith SI Gulab Singh, P.S. Crime
Branch, Chakyapuri, Delhi.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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30.01.2024

1. The present petition has been filed seeking regular bail in connection with FIR No. 260/2022 for the offences punishable under Sections 274/274/276/420/468/471/120B/308/201/34 IPC.
2. The case of the prosecution is that the petitioner is the proprietor of M/s RDM Biotech, a company dealing in ayurvedic medicine. On 08.11.2022, an information was received regarding one Dr. Pabitra Pradhan that he alongwith his associates Shubham Manna and Dr. Anil, were indulging in manufacturing and selling of spurious life saving medicines to patients suffering from cancer across the country.
3. It is alleged against the petitioner herein that he is the manufacturer of spurious medicines and that on the directions and demand of main accused



Dr. Pabitra Pradhan, he used to allegedly manufacture the spurious medicines. It is further alleged that from the factory of the petitioner, heavy quantity of raw material i.e. maize powder BC 555 powder, blue powder, blank capsules etc. were recovered which were used in manufacturing of the spurious cancer medicines.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is a licensed manufacturer of ayurvedic medicines and no spurious drugs or even its ingredients were recovered by the Investigating Agency from the premises of the petitioner. He submits that recovery has been made only of the empty capsules as well as maize powder, BC 555 powder, blue powder etc. and it is not the case of the prosecution that the same are ingredients of spurious cancer drugs.

5. He further submits that insofar as WhatsApp chats and CDR locations are concerned, probative value of the same shall be considered by the trial court during trial.

6. According to learned counsel, the investigation is complete and the charge-sheet has already been filed, but the trial has not yet commenced. The prosecution has cited as many as 112 witnesses which will undoubtedly lead to the protracted trial.

7. He further submits that the petitioner was arrested on 12.11.2022 and he was granted interim bail on 10.07.2023 and thereafter he is continuing on interim bail. He submits that at no stage, the petitioner has misused the liberty so granted. He further submits that the petitioner does not have criminal record nor he is a flight risk, therefore, he prays to enlarge the petitioner on bail.

8. Per contra, learned APP argues on the lines of the Status report.



9. It is the case of the prosecution that the petitioner is a licensed manufacturer of ayurvedic medicines. Intriguingly, it is not the case of the prosecution that any spurious drugs or even its ingredients have been recovered by the investigating agency from the premises of the petitioner. What has been recovered is maize powder, empty capsules, BC 555 powder, blue powder etc. which have not been alleged to be the ingredients of spurious cancer drugs.

10. Perusal of the status report, more particularly Clause (xi) of the paragraph 19 thereof, reveals that the samples which have been tested by the Drugs Inspector of the Central Government only shows that some of them have been declared of “Not Standard Quality”. There is, however, no observation that the samples have been found to be of spurious quality.

11. On a query put by the Court, the learned APP, on instructions from the IO who is present in Court, fairly concedes that the petitioner does not have a criminal record. It is also not the case of the prosecution in the status report that the petitioner is a flight risk.

12. Investigation in the matter is complete and the chargesheet has been filed, therefore, the custody of the petitioner is no more required. Further, the prosecution has cited 112 witnesses and the trial has not yet commenced. Inevitably it is going to be a protracted trial.

13. Considering the aforesaid facts and circumstances, this Court is of the view that the petitioner has made out case for grant of regular bail. Accordingly, the petitioner is admitted to regular bail subject to his furnishing a Personal Bond in the sum of Rs.50,000/- and one Surety Bond each of the like amount to the satisfaction of the learned Trial Court/CMM/Duty Magistrate, further subject to the following conditions:-



- a) Petitioner shall appear before the Court as and when the matter is taken up for hearing.
 - b) Petitioner shall provide his permanent address, as well as, his mobile number to the IO concerned. The mobile number shall be kept in working condition at all times and he shall not change the mobile number without prior intimation to the Investigating Officer concerned.
 - c) Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with any of the witnesses.
14. The petition stands disposed of.
15. It is clarified that the observations made herein above are only for the limited purpose of deciding the present bail application and the same shall not be construed as an expression of opinion on the merits of the case.
16. Copy of the order be forwarded to the concerned Jail Superintendent for necessary compliance.
17. Order be uploaded on the website of this Court.

VIKAS MAHAJAN, J

JANUARY 30, 2024/ssc