



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

15 BAIL APPLICATION NO. 1069 OF 2025

VIJAY SHAILENDRA CHOUDHARI
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Tambe Rahul A.
APP for Respondent/State : Mr. N.D. Batule
...

CORAM : ARUN R. PEDNEKER, J.

DATE : 14/07/2025

P.C. :

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant is seeking bail as he was arrested in connection with Crime No. 522/2024 dated 5.12.2024 registered with Ambejogai City Police Station, District Beed for the offences punishable under sections 318(4), 336(3), 340(2), 278, 338 and 3(5) of the B.N.S. 2023 and u/s. 18(a)(i) and 17(b) of the Drugs and Cosmetic Act, 1940.
3. The learned counsel for the applicant has pointed out the order dated 21.4.2025 in Criminal Bail Application No. 1557/2025, order dated 21.4.2025 in Criminal Bail Application No. 1565/2025 passed by this Court at Principal Seat and other order dated 20.3.2025 passed by the Sessions Court, Wardha in Criminal Bail Application No. 82/2025, order dated 26.3.2025 passed by the Sessions Court, Nanded in Bail Application No. 239/2025, order dated 26.3.2025 passed by the Sessions Court, Nanded in Bail Application No. 238/2025, order dated 4.2.2025 passed by Sessions Judge, Nagpur in Criminal Bail Application No. 240/2025. All above

applications are filed by the applicant for regular bail and in all the above matters, bail has been granted to the present applicant i.e. accused No. 4. In all these matters, the role of the present applicant is that the applicant is stated to have purchased spurious drug Azimicim-500 tablets from one M/s. K.P. Medical Agency, who is mediator and who has purchased the above medical from accused No. 5 – Robin @ Himanshu s/o. Vijaykumar Taneja. In the chargesheet, it is stated that owner and manufacturer of the above drug unit is accused No. 6 – Amit Sureshchandra Dhiman and through accused No. 6, the above drugs were sold to accused No. 5 and through accused No. 5 the same were sold to accused No. 4 i.e. present applicant. It is alleged that present applicant has sold the above drug to accused Nos. 3 and 2, who in turn sold the same to accused No. 1 and through E-tender process accused No. 1 has supplied the above drug to Swami Ramanand Tirth Medical College and to Rural Hospital, Ambejogai.

4. The learned counsel for the applicant submits that the applicant has purchased the medicines from other co-accused and further supplied to another co-accused and in turn the other co-accused supplied the above drug to the medical college and rural hospital. The learned counsel submits that the applicant being not manufacturer of the above medicine, has been granted bail in all the matters quoted above. The learned counsel submits that the applicant is behind bars since last more than one year as his custody is transferred from one crime to another. The learned counsel submits that considering that the applicant has been granted bail in all other matters, bail be granted to the applicant in present matter.

5. Per contra, the learned APP points out that the drug sold by the applicant is declared as spurious vide section 17-B of the Drugs and

Cosmetic Act, 1940 and Rules 1945, as per the Certificate of tests by Government Analyst under section 25(1) of the Drugs and Cosmetic Act, 1940. The analyst has opined that the sample referred is NOT FOR STANDARD QUALITY as defined in the Drugs and Cosmetic Act. The learned APP submits that in all the earlier orders, granting bail to the applicant, section 17-B is not pointed out to show that imprisonment for section 17-B is provided for 10 years which can be extended up to life imprisonment. The learned APP submits that if the applicant is released on bail, this will affect the public at large. The learned APP therefore submits that the applicant is not entitled for bail and prayed for rejection of bail application of the applicant.

6. Perused the earlier orders passed in favour of the applicant by the different court. In para 2 of the order dated 21.4.2025 in Criminal Bail Application No. 1557/2025 and order dated 21.4.2025 in Criminal Bail Application No. 1565/2025 passed by this Court at Principal Seat, section 17-B of the Drugs and Cosmetics Act, 1940 is noted by this Court and as such, the argument of the learned APP that it was not brought to the notice of the Courts that the offence is punishable to the term of 10 years imprisonment which can be extended to life imprisonment, cannot be accepted. The learned APP is also not able to point out whether the above orders are challenged before the Supreme Court or not.

7. In view of the earlier orders passed by this Court and other courts noted above, as the applicant is not the manufacturer of the above drug and one of the person in chain, who has received the drugs from one co-accused and further supplied to another co-accused, I hold that regular bail can be granted to the applicant in this crime also. Since last more than one

year applicant is behind bars. Trial will take its own time to conclude. In view of the above, bail can be granted to the applicant.

8. In view of the above, the application is allowed in the following terms :

- a] The applicant shall be released on bail in connection with Crime No. 522/2024 dated 5.12.2024 registered with Ambejogai City Police Station, District Beed for the offences punishable under sections 318(4), 336(3), 340(2), 278, 338 and 3(5) of the B.N.S. 2023 and u/s. 18(a)(i) and 17(b) of the Drugs and Cosmetic Act, 1940, on furnishing PR bond of Rs.25,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.
- b] The applicant shall report to the Investigating Officer of the concerned police station as and when called by the Investigating Officer during pendency of the trial.
- c] The applicant shall not leave the State of Maharashtra without prior permission of the Trial Court.
- d] The applicant, upon being released on bail, shall not contact the informant, in any manner whatsoever, during the pendency of the trial.
- e] The applicant shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the trial Court, for reasons to be recorded in writing.
- f] The applicant shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses and other persons concerned with the case.
- g] The applicant, upon being released on bail, shall place on

record of the trial Court the details of his Contact Number and residential address with updates in case of any change.

9. Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled.

10. It is also clarified that the observations made in this order are limited to the disposal of the present bail application. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

11. Liberty is granted to the State to apply for recall of this order in the event the order passed in favour of the applicant by this Court or noted above is set aside by the Supreme Court.

12. The application stands disposed of accordingly.

[ARUN R. PEDNEKER, J.]

SSC/