

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1557 OF 2025

Vijay Shailendra Chaudhary	.. Applicant
Versus	
State of Maharashtra	.. Respondent

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- Mr. Aniket Nikam a/w Mr. Amit Icham, Advocates for Applicant.
 - Mr. Sukanta A. Karmakar, APP for State.
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CORAM : MILIND N. JADHAV, J.

DATE : APRIL 21, 2025

P. C.:

1. Heard Mr. Nikam, learned Advocate for Applicant and Mr. Karmakar, learned APP for State.

2. Applicant – Accused has filed present Application for regular bail in connection with Crime No.556 of 2024 registered with Thane Nagar Police Station for offences punishable under Sections 420, 467, 468, 471, 276 r/w 34 of the Indian Penal Code, 1860 and Sections 18(A)(i) r/w 17(B), 27(A) of the Drugs and Cosmetics Act, 1940. Applicant is arraigned as Accused No. 3. He is arrested on 07.07.2024 and he is incarcerated for 9 months 14 days, pending trial.

3. Applicant before me is the proprietor of M/s Cabhi's Generic House, Mira Road, Thane. He has procured alleged medicines from M/s K.P Medical Agency, Haryana on an invoice and delivery

basis and sold the said medicines to M/s Activenetis Biotech Pvt. Ltd. Thane who has further traded with the said medicines with M/s Vishal Enterprises, Kolhapur who has procured the said medicines after obtaining a contract with the District Health Office under a tender.

4. While dealing with Bail Application of co-accused person in the same crime, copy of which is appended at page No.59 of the Application, this Court in the case of Suresh Dattatray Patil Anticipatory Bail Application No.127 of 2025 has relied upon a decision of the single bench of the Nagpur Bench in Anticipatory Bail Application No.791 of 2024 enlarging the said co-accused on bail. The ground for enlarging the co-accused on bail *prima facie* even applies to the case of Applicant on parity. It is seen that Applicant is neither a manufacturer nor he has purchased the said medicines from manufacturer of the said medicines. In the present case it is seen that said medicines were manufactured under license by a firm in the State of Haryana as per prosecution case and insofar as the prosecution case is concerned all that they have done is addressed a letter to their counterparts in the State of Haryana for taking appropriate action.

5. Applicant before me is admittedly one link in the chain of distributors / suppliers of the medicines. Admittedly when Applicant is not the manufacturer of the medicines rather said medicines having been procured from the manufacturer by a chain of distributors which

is *prima facie* evident from facts of the present case, Applicant's case for bail deserves consideration.

6. It is *prima facie* seen that manufacturer of the said medicines namely M/s K.P. Medical Agency, Haryana has been traced and prosecution has been informed about the details of the same. It is seen that said M/s K.P. Medical Agency, Haryana when traced in Haryana has led the prosecution to a barber's shop. On further investigation it is unearthed that the said drugs / medicines were manufactured by M/s Mrystal Formulations, Uttarakhand and most surprisingly it is seen that prosecution has not taken any steps thereafter to proceed against the manufacturer.

7. Considering the aforesaid *prima facie* observations further custodial interrogation of Applicant who is one in the chain of distribution is not required and he can be released on bail.

8. Needless to state that Applicant shall comply with any cooperation if called for by the Investigating Agency in future.

9. In view of the above *prima facie* observations and the orders dated 16.01.2025 and 26.02.2025 in Bail Application No.127 of 2025 and Bail Application No. 5004 of 2024, on the ground of parity is allowed subject to the following terms and conditions:-

- (i) Applicant is directed to be released on bail on furnishing P.R. Bond of Rs.25,000/- (Rs. Twenty Five Thousand only) with one or two sureties of the like amount
- (ii) Applicant shall report to the Investigating Officer at Thane Nagar Police Station, Thane as and when called by the Investigating Officer;
- (iii) Applicant shall co-operate with the conduct of trial and attend the Trial Court on all dates, unless specifically exempted and will not take any unnecessary adjournments, if he does so it will entitle the prosecution to apply for cancellation of this order;
- (iv) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court;
- (v) Applicant shall not influence any of the witnesses or tamper with the evidence in any manner;
- (vi) Applicant shall keep the Investigating Officer informed of his current address and mobile contact number and / or change of residence or mobile details, if any, from time to time, as applicable; and

(vii) Any infraction of the conditions shall entail prosecution to apply for cancellation of bail granted to the Applicant.

10. It is clarified that the above observations in this order are limited for the purpose of granting bail only and I have not made any observations on the merits of the case and the trial shall proceed uninfluenced by the present order.

11. Bail Application is allowed and disposed.