

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1565 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.
- Ms. Rajeshree V. Newton, 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 Ms. Newton, learned APP for State.

2. Applicant – Accused has filed present Application for regular bail in connection with Crime No.587 of 2024 registered with Wagale Estate Police Station, Dist. Thane for offences punishable under Sections 420, 467, 468, 471, 328, 276 r/w 34 of the Indian Penal Code, 1860 and Sections 18(a)(i) r/w 17(B) of the Drugs and Cosmetics Act, 1940. Applicant is arraigned as Accused No. 1. He is arrested on 17.07.2024 and he is incarcerated for 9 months 4 days, pending trial.

3. It is prosecution case that on 11.12.2023, Drug Inspector, Thane conducted an inspection at the District Medicine Stores located at Wagle Estate, Thane. During the said inspection, samples of Remox -

250 cap medicines were collected for analysis. Subsequently as per Report No. NSQ/MUM/142226/2023 dated 27.12.2023, the said medicines were declared to be spurious.

4. Applicant before me is the proprietor of M/s Cabhi's Generic House, Mira Road, Thane. On investigation it was revealed that the District Medicine Stores at Wagale Estate procured the said medicines from M/s Glacier Pharmaceuticals Pvt. Ltd., Amravati which in turn had procured the same from M/s. Rajesh Pharma, Amravati. Further, M/s. Rajesh Pharma, Amravati had obtained the same from M/s. Milton Generic Pvt. Ltd., Mumbai which had sourced the said medicines from M/s. Shree Ganesh Pharma & Surgical LLP, Thane. The latter entity is shown to have procured it from M/s Cabhi's Generic House, Mira Road, Thane i.e. Applicant before me.

5. However the investigation further disclosed that M/s Cabhi's Generic House, Mira Road, Thane, had procured the said medicines from M/s K.P. Medical Agency, Haryana who had procured the said medicines from the manufacturing entity, namely M/s. Refant Pharma Pvt. Ltd. MIDC, Kerala. It is pertaining to note that no further investigation appears to have been conducted against the said manufacturing company.

6. It is *prima facie* seen that Applicant is neither the manufacturer nor he has purchased the said medicines from the 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 Kerala and it was procured by M/s. K.P. Medical Agency, Haryana, insofar as the prosecution case is concerned all that they have done is addressed a letter to their counterpart in the State of Haryana in another companion matter for taking appropriate action. In the present case no such letter has been addressed to either the State of Haryana or State of Kerala to intimate them for taking further action.

7. Applicant before me is admittedly one link in the chain of several distributors / suppliers of the medicine. Admittedly when Applicant is not the manufacturer of the medicines rather said medicine is procured from the manufacturer through a chain of distributors which is *prima facie* evident from the facts of the present case. Hence Applicant's case deserves consideration. It is *prima facie* observed that Applicant has been granted bail in four other FIRs wherein similar allegations are levelled against him which also need to be considered by the Court. The investigation in the present case stands concluded and charge-sheet has been filed, no recovery is pending at the instance of Applicant, hence Applicant's case for bail needs to be considered.

8. It is *prima facie* seen that primary trader / distributor 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 in another companion case concerning the involvement of M/s. K.P. Medical Agency, Haryana. In that it is seen that said M/s K.P. Medical Agency, Haryana when traced in Haryana has led the prosecution to the address of a barber's shop. In the present case according to prosecution on further investigation it is unearthed that the said drugs / medicines were infact manufactured by M/s. Refant Pharma Pvt. Ltd. MIDC, Kerala and most surprisingly it is seen that prosecution has not taken any steps thereafter to proceed against the manufacturer.

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

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

11. In view of the above *prima facie* observations and findings Bail Application is allowed subject to the following terms and conditions:-

- (i) Applicant is directed to be released on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount;
- (ii) Applicant shall report to the Investigating Officer at Wagale Estate Police Station 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 she does so, it will entitle the prosecution to apply for revocation of this order;
- (iv) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court;
- (v) Applicant shall not influence with 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; and

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

12. It is clarified that the observations made in this order are limited for the purpose of granting Bail only and I have not made any observations on merits of the case. The trial shall be adjudicated on the strength of the evidence led and strictly on its own merits being uninfluenced with any of the *prima facie* observations made herein above in this order.

13. Bail Applications is allowed and disposed.

[MILIND N. JADHAV, J.]