

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

2025:PHHC:129678



**234**

**CRM-M-35405-2025 (O&M)**

**Date of Decision: 17.09.2025.**

Mohit

...Petitioner.

Versus

State of Haryana and another

...Respondents.

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**CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR**

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Present: Mr. G.C. Shahpuri, Advocate for the petitioner.

Mr. Pawan Kumar Garg, DAG, Haryana.

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**SUKHVINDER KAUR, J.**

Prayer in the present petition, filed under Section 483 of BNSS, 2023 for grant of Regular bail to the petitioner in DDR No.03 dated 08.03.2025, under Sections 18-A, 28, 18(c), 27 (b) (ii), 17-B(c), 17-B(d), 27-C of Drugs and Cosmetic Act, 1940, registered at Police Station Chhahhraul, District Yamuna Nagar.

Brief facts of the case are that on 19.10.2024, at about 5.30 P.M. Shyam Singh Sarpanch at village Balauli made a complaint telephonically to the Drug Control Officer regarding running of a medical shop and selling intoxicated medicine without any licence. Accordingly, a team consisting of Drug Control Officer, ASI Parvinder Singh and Dr. Vijay Mittal reached at the spot where petitioner was found to have stocked large quantity of Allopathic medicines in a shop taken on rent. The petitioner failed to produce any permit or licence or purchase bills/ sale records of the medicines. The shop was sealed by the Drug Control Officer, in the presence of the team members and independent witness Jaspreet Singh. On 21.10.2024, notice was issued to the petitioner and premises was checked in

his presence. After taking three samples, one was sent to Government Analyst, Haryana which was found to be spurious. It was found that in Amoxycillin Trihydrate Capsules IP (Amymox-250), the content of Amoxycillin per capsule is 0.0 mg against claim of 250 mg. The State Drug Controlling Authority, Haryana took cognizance and enquired from the Drug Control Authority, Government of Kerala about the authenticity and verification of manufacturing Firm, The Drug Controller, Kerala informed on 07.03.2025 that the PIN Code mentioned was not of the State of Kerala and that M/s Refant Pharma Pvt. Ltd. had not been granted licence by the Licensing and Controlling Authority of the State of Kerala for the manufacture of the said drug and also that the license of the said firm allegedly signed by Drugs Controller, Kerala was forged. It is further alleged that the notice dated 03.03.2025 was issued to the petitioner bringing to his notice that he aforesaid drug was not of standard quality. When despite affording opportunity to explain his position, when the petitioner failed to give any reply, he was arrested on 07.03.2025.

Learned counsel for petitioner has contended that as per notice dated 03.03.2025 and the own case of the prosecution, the petitioner was granted 10 days time to explain his position but before expiry of said time, he was arrested on 07.03.2025, which shows that the proceedings have been conducted in a very hasty manner in connivance with the Sarpanch of the village by the Drug Control Officer. On 19.10.2024, after sealing the shop of the petitioner, keys were handed over to the Sarpanch, who himself is an interested party being informant in this case. The sealed shop was searched after two days i.e. on 21.10.2024 and for these two days, keys of said premises were in possession of village Sarpanch, which shows that the

entire medicines have been implanted and had been kept in the said premises at the instance of the Sarpanch of the village in connivance with the Drug Control Officer. Neither any videography of the premises in question at the time of checking the said premises was done nor any photographs were clicked and the possibility of false recovery of the alleged drugs cannot be ruled out. The petitioner was having requisite diploma along with training certificate to keep and provide certain medicines which have been recommended by WHO and the petitioner had not committed any offence as alleged. The petitioner has been falsely implicated in the present case in connivance with the village Sarpanch, who was inimical towards him. He has urged that as trial of the case is likely to take time, therefore, the petitioner be granted concession of regular bail.

Learned State counsel, while referring to the status report, has opposed the bail petition while contending that after the raid was conducted, the petitioner failed to produce any licence, purchase bills and sale records of the medicines. As it was late evening and huge crowd had gathered at the spot and several types of medicines were to be listed for investigation, with the consent of the petitioner, Sarpanch and in the presence of independent witness Jaspreet Singh, premises was sealed and the keys were handed over to the Sarpanch which were duly packed and sealed in an envelope. Thus, there was no chance of any tempering. The next day, i.e. 20.10.2024 the Drug Control Officer was engaged in the investigation of other case. On 21.10.2024, after initiating the process of desealing in the presence of the parties, the premises was checked. The PIN code on the drug recovered was not of State of Kerala and no licence to manufacture the medicines was granted to the M/s Refant Pharma Pvt. Ltd. The petitioner is not a

permanent resident of local area and he may abscond from the trial and may temper with the evidence. Thus, in view of the seriousness of the offence, the petitioner does not deserve the concession of bail.

I have heard the learned counsel for the parties and have also gone through the case file.

The recovery in this case has already been effected. After submission of challan, charge has been framed in the present case and trial is going on. As per the status report, there are total 16 prosecution witnesses out of them, none has been examined so far and the case is now fixed for prosecution evidence. No other criminal case of similar nature has been found to be registered against the petitioner. As per the Custody Certificate placed on record, the petitioner is in custody for the last 05 months and 24 days. Conclusion of trial is likely to take time, so no useful purpose would be served by further detaining the petitioner behind the bars.

Accordingly, the present petition is allowed and the petitioner is ordered to be admitted to regular bail, on furnishing adequate bail bonds and surety bonds, to the satisfaction of concerned learned Trial Judge/Chief Judicial Magistrate/Duty Magistrate.

However, nothing observed herein above shall be construed to be an expression of opinion on the merits of the case. The observations recorded above are only for the purpose of deciding the present bail petition.

Pending application(s), if any, shall also stand disposed of.

**(SUKHVINDER KAUR)**  
**JUDGE**

**17.09.2025.**

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| <i>Komal</i> | Whether speaking/reasoned? | : | Yes/ No |
|              | Whether reportable?        | : | Yes/ No |