



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-06-2026

CORAM

THE HON'BLE MR.JUSTICE SHAMIM AHMED

CRL MP No. 9401 of 2026

in

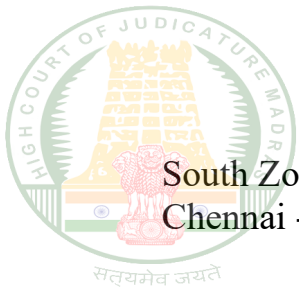
CRL RC NO. 1153 of 2026

1. Bharat Parenterals Limited
Vill. Haripuram Ta Savli,
Dist. Vadodara - 391 520, Gujarat.
2. Bharat R.Desai
Managing and Technical Director (Whole
Time),
Bharat Parenterals Limited,
Vill. Haripura Ta Savli,
Dist. Vadodara - 391 520, Gujarat.
3. Hime B.Desai
Director, M/s.Bharat Parenterals limited,
Vill. Haripuram Ta Savli,
Dist. Vadodara - 391 520, Gujarat.
4. Pankraj S.Shah
Director, M/s.Bharat Parenterals limited,
Vill. Haripuram Ta Savli,
Dist. Vadodara - 391 520, Gujarat.
5. Hemang J.Shah
Director, M/s.Bharat Parenterals limited,
Vill. Haripuram Ta Savli,
Dist. Vadodara - 391 520, Gujarat.

..Petitioner(s)

Vs

Union of India
Rep. by Drug Inspector
O/o. Deputy Drugs Controller (India),
Central Drugs Standard Control Organization,



South Zone, 2nd Floor, Shastri Bhawan Annexe,
Chennai - 600 006.

..Respondent(s)

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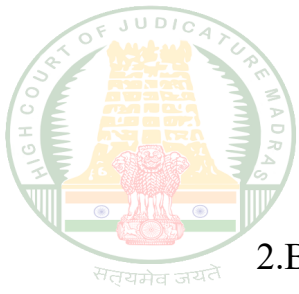
Prayer:- This Criminal Miscellaneous Petition has been filed, under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), praying to suspend the sentence originally imposed as against the Petitioners/Appellant/Accused the learned IVth Metropolitan Magistrate at Saidapet, Chennai in C.C.No.5181 of 2016 dated 26.05.2022, which judgment was confirmed vide order passed by the first appellate court, viz., IIIrd Additional Sessions Judge in Crl.A.No.106/2022 dated 23.03.2026 and to enlarge the petitioners/appellants/accused on bail in Crl.RC.No.1153/2026 and to pass such other orders as this Honble Court deem fit and proper in the facts and circumstances of the case, pending disposal of the criminal revision petition and thus render justice.

For Petitioner(s): Mr.S.Baskaran

For Respondent(s): Mr.K.Balaji, Central Government Standing Counsel

ORDER

This Criminal Miscellaneous Petition has been filed by the Revision Petitioners, praying to suspend the substantive sentence of imprisonment imposed on the Revision Petitioners No. 2 to 5 (Accused Nos. 2 to 5) by the learned IV Metropolitan Magistrate, Saidapet, Chennai, in C.C.No.5181 of 2016, dated 26.05.2022, which was subsequently confirmed by the first Appellate Court, viz., the III Additional Sessions Judge, Chennai, vide judgment dated 23.03.2026 passed in Crl.A.No.106 of 2022, pending disposal of the main Criminal Revision Petition.



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2.By the impugned judgment of conviction and order of the Trial Court, the 1st Petitioner Company (A1) was sentenced to pay a fine of Rs. 20,000/-, and the Petitioners No. 2 to 5 (A2 to A5) were convicted for the offence punishable under Section 18(a)(i), punishable under Section 27(d) of the Drugs and Cosmetics Act, 1940. They were sentenced to undergo Simple Imprisonment for a period of one year each and to pay a fine of Rs. 20,000/- each, and in default, to undergo a further period of two months Simple Imprisonment. The said judgment of conviction and sentence was confirmed in entirety by the lower Appellate Court. The entire fine amount of Rs. 1,00,000/- (Rs. 20,000/- each for A1 to A5) has already been paid by the petitioners on 26.05.2022 vide Treasury Receipt No. 955731 (Vol. 2/22) before the Trial Court.

3.Challenging the concurrent findings of the courts below, the Revision Petitioners have preferred the main Criminal Revision Case (Crl.R.C.No.1153 of 2026) along with the instant Criminal Miscellaneous Petition, seeking suspension of sentence and bail pending disposal of the Revision. He also submitted that the petitioners are now out of jail.

4.This Court heard Mr. S. Baskaran, learned counsel for the Revision Petitioners, and Mr. K. Balaji, learned Central Government Standing Counsel



for the Respondent, considered their detailed submissions, and carefully perused the case records placed before this Court.

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5.The learned counsel for the Revision Petitioners submitted that the private complaint arose out of a drug sample ("Clopidogrel Tablets IP 75mg") collected from a hospital dispensary which was declared as "not of standard quality" by P.W.2 (Government Analyst). It is strongly argued that both the courts below failed to take cognizance of a fundamental statutory jurisdictional defect. The manufacturing facility of the 1st Petitioner company is located in Gujarat, and domestic manufacturing activities are strictly governed by Chapter IV of the Drugs and Cosmetics Act, 1940, falling exclusively within the regulatory domain of the State Drug Authorities. It is submitted that the respondent/CDSCO officials possess search, seizure, and sampling powers primarily relatable to the "Import of Drugs" under Chapter III of the Act, and lack the legal jurisdiction to initiate the present prosecution for domestic manufacturing defects. It is submitted that the continuation of the present criminal proceedings against the petitioners remains legally defective, completely vague, and stands on a failed factual foundation. The ultimate trial process is flawed with jurisdictional issues that would inevitably culminate in an acquittal.

6.It is further argued that due to pendency of the criminal cases before



this High Court, there is a blinking chance that in the near future, this Criminal Revision Case will be finally heard and decided. It is further submitted that

there are arguable points in this Criminal Revision Case and the Revision Petitioners have a fair chance of success in this Criminal Revision Case. Thus, the learned counsel for the Revision Petitioners have prayed for suspension of sentence and bail, till the disposal of this Criminal Revision Petition.

7. Several other submissions in order to demonstrate the falsity of the allegations made against the Revision Petitioners have also been placed forth before the Court. The circumstances which, according to the counsel, led to the false implication of the accused have also been touched upon at length. It has been assured on behalf of the Revision Petitioner that he is ready to cooperate with the process of law and shall faithfully make himself available before the Court, whenever required and is also ready to accept all the conditions, which the Court may deem fit to impose upon him. The Revision Petitioners undertake that in case they are released on bail, he will not misuse the liberty of bail and will cooperate in disposal of Revision.

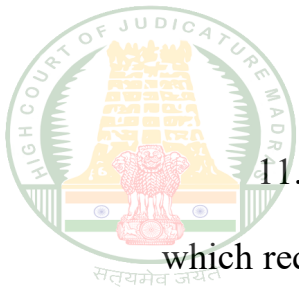
8. The learned Central Government Standing Counsel appearing for the Respondent robustly opposed the arguments advanced by the petitioners' counsel. He submitted that both the Trial Court and the lower Appellate Court have meticulously analyzed the oral and documentary evidence, including



Exhibits P1 to P18 and M.O.1, to conclude that the life-saving medicine supplied by the petitioners was not of standard quality. He contended that the safety of public health overrides individual liberty in statutory offences and prayed for the dismissal of the petition for suspension of sentence.

9.Considering the rival submissions advanced by the learned counsel for the Revision Petitioners as well as the learned Central Government Standing Counsel for the Respondent, this Court is of the view that the grounds raised constitute substantial arguable points that require a detailed appraisal at the time of final hearing. Furthermore, it is a matter of record that the petitioners were on bail throughout the lower proceedings and have already remitted the entire fine amount.

10.Further, it is well-settled that when an accused has been granted bail during trial/appeal, and there are material points in the Revision which require serious judicial deliberation, the Court should lean towards protecting individual liberty under Article 21 of the Constitution. If the Revision ultimately results in an acquittal at a later date, the period of interim incarceration cannot be compensated. In this regard, the decision of the Hon'ble Supreme Court of India, in the case of *Rabi Prakash Vs. The State of Odhisha reported in 2023 Live Law (SC) 533* is of relevance.

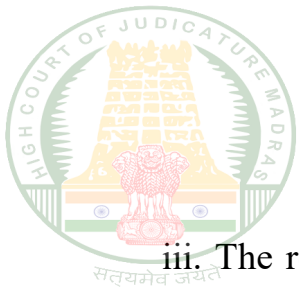


11. The Revision Petitioner has raised substantial grounds in the Revision, which require detailed appraisal. Further, the Revision is not likely to be taken up in the near future. In such view of the matter, this Court is of the view that the Revision Petitioner is entitled to the relief of suspension of sentence and bail.

12. Accordingly, pending the Criminal Revision Case, the relief of suspension of sentence and bail is granted to Revision Petitioners, on the following conditions:-

i. The Revision Petitioners No. 2 to 5 shall surrender before the learned **IV Metropolitan Magistrate, Saidapet, Chennai**, within three weeks from the date of receipt of a copy of this order. On such surrender, they shall be released on bail upon executing a personal bond for a sum of Rs. 15,000/- (Rupees Fifteen Thousand Only) each, along with two sureties each for a like sum to the satisfaction of the learned Magistrate, subject to an undertaking that they will fully cooperate in the final hearing of the Revision.

ii. The Revision Petitioners and their respective sureties shall affix their recent Photographs and Left Thumb Impressions (LTI) to the bail bonds. The Trial Court registry shall verify their identities by obtaining copies of their Aadhaar Cards or Bank Passbooks.



iii. The realization of the fine amounts in respect of respondent nos. 1, 2, 3, 4 and 5, if any, shall remain suspended during the pendency of the present Revision.

iv. The Revision Petitioners No. 2 to 5 shall appear before the learned IV Metropolitan Magistrate, Saidapet, Chennai, once in every month, i.e., on the 3rd day of every calendar month commencing from July 2026 at 10:30 a.m., until further orders.

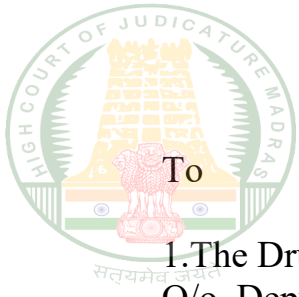
v. Upon acceptance of the execution of the bail bonds and sureties, the Trial Court shall immediately transmit photostat copies thereof to the Registry of this High Court to be kept on the record of this Criminal Revision Case.

13. With the above directions, this Criminal Miscellaneous Petition stands ordered.

09-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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To

1. The Drug Inspector
O/o. Deputy Drugs Controller (India),
Central Drugs Standard Control Organization,
South Zone, 2nd Floor, Shastri Bhawan Annexe,
Chennai - 600 006.

2. The IIIrd Additional Sessions Judge.

3. The IVth Metropolitan Magistrate at Saidapet, Chennai.

4. The Public Prosecutor, Madras High Court.



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CRL MP No. 9401 of 2



SHAMIM AHMED, J.

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CRL RC NO. 1153 OF 2026**

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