

ORDER BELOW EXH. 01 IN
R.C.C. NO. 246/2023

Matter is taken on board today. Present application is filed by the Food & Drugs Administration (M.S.) Nashik. Applicant submitted that he is appointed under section 21 of the Drugs and Cosmetics Act, 1940 by Government of Maharashtra. The applicant had drawn sample of Drug during routine inspection on 28/06/2022 for sale of drug namely Panac Tablet, Batch no. ET- 918, Mfg. date June 2022, Exp Date- May 2025, MANufactured by M/s. Wintech Pharmaceuticals Ltd., Plot No. 45-46 STICE Musalgaon, Tal. Sinnar, Dist. Nashik 422112 (Maharaashtra) for test and reanalysis purpose.

2] It is further contended that applicant has sent the above sample to Government analyst, Food and Drugs Administration Laboratory, Aurangabad for testing and analysis. Accordingly, Analyst have reported the samples to be not of standard quality (NSQ) vide report form 13 No. NSQ/AUR/133001/2023 dated 31/03/2023.

3] On receipt of said report, applicant have issued notice and one sealed sample of the seized article on the registered address. In reply to that, manufactureer have disagreed with the said report.

4] The manufacturer within the provision of Section 25(3) of Drugs & Cosmetics Act 1940 notify in writing their disagreement the said analysis report and intend to adduce evidence on contravention of the said report of the Govt. Analyst. The applicant had paid testing and analysing fees of Rs. 1000/- through online portal in favour of Director, Central Drugs Laboratory, Kolkatta bearing Transaction No. 0905230021654 dated 09.05.2023 for reanalysis of said drug sample from Central Drug Laboratory, Kolkatta.

5] I Have considered the submissions. On going through the application and the Act which provided that according to Section 25(4) of Drugs and Cosmetics Act, the Magistrate is empowered to send the seized

sample for reanalysis, if requested by accused. Non-applicant disagreed with the report of Government Analysis, Food and Drugs Administration Laboratory, Mumbai and therefore, the Act provides the discretion to the Magistrate for forwarding the samples for reanalysis. Having considered the notice reply by the manufacturer, it would be proper to send the sample for reanalysis. In view of the above observations, I pass following order :-

ORDER

- [1] Application is allowed.
- [2] Seized sample be sent for reanalysis to Central Drug Laboratory, Kolkatta, as prayed for.
- [3] Central Drug Laboratory, Kolkatta is directed to submit the report as early as possible on depositing fees as per rules.

Date :- 31/10/2023

Sd/-xxx
(K.S. Khandre)
Judicial Magistrate First Class,
Sinnar