

RCC No. 2307/2019
State -vs- Dilip

Order below Exh.9

(Passed on 06th day of January, 2023)

Read application and say. The learned advocate for the accused submitted that the accused is arrested by misunderstanding. The accused is well known therapist and practicing in Nagpur. There is no any complaint by private person. There is no analytical report on record. Lastly, he prayed for discharge of accused.

2] The learned A.P.P. submitted that as per the information received the complainant carried raid on the premises of the accused. The drugs in possession of the accused do not bear any purchase bill and other necessary details. The accused used to purchase the drugs from market and used to remove the label of original manufacturer and to paste another label. The material on record is sufficient to proceed against the accused. Lastly, he prayed for rejection of the application.

3] Perused record. The accused is alleged to have committed offence punishable under section 27(b)(ii) of the Drugs and Cosmetics Act 1940 ('the Act' for short) for contravention of section 18(c). In the complaint itself, the complainant has stated that she received information that accused manufactured and stored the medicines illegally. The provisions of the Act do not mandate the existence of any complaint by private person to the police station or drug inspector. Moreover, the complaint, alleged panchnama and other relevant documents on record prima facie disclose the alleged commission of offence by the accused. Thus, it cannot be said that the allegations against the accused are groundless. In the circumstance, the application is devoid of substance and liable to be rejected. Hence, the following order.

Order

Application stands rejected.

Nagpur.

Date : 06.01.2023

(U.P. Kulkarni)
Additional Chief Judicial Magistrate,
Nagpur.