

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 11009 of 2026**

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NAZARMOHAMMAD ALIMOHAMMAD SHAVADI & ANR.
Versus
STATE OF GUJARAT & ANR.

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Appearance:
MR ATIT D THAKORE(5290) for the Applicant(s) No. 1,2
MS. C.M. SHAH, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MS. JUSTICE S.V. PINTO

Date : 07/05/2026

ORAL ORDER

Learned advocate Mr. Atit Thakore for the applicants submits that the applicants are the employees of M/s. Joinhub Pharma LLP. and are the original accused nos. 9 and 10 in the complaint filed by the Drugs Inspector, Office of the Deputy Drugs Controller (India). Learned advocate submits that the original accused nos. 5, 6, 7 and 8 who are the Company and the partners, had preferred Criminal Misc. Application for quashing and setting aside FIR / Order No. 5993/2026 and by an order dated 17.04.2026, have been protected by this Court. The main contention of the learned advocate for the applicants is that the learned Trial Court has issued the summons under Section 212 of BNSS and has taken cognizance of the offence under Sections

17(b)(c), 18(a)(i) and 18(c) read with Section 27(b)(ii) and 27(d) of the Drugs and Cosmetics Act but at the time of issuing of the summons, the learned Trial Court has not carefully scrutinize the evidence brought on record and has not given the necessary reasons for taking cognizance of the offence and has issued the summons. Learned advocate has relied upon the decision of the Apex Court in case of **M/s. J.M. Laboratories Vs. State of Andra Pradesh** reported in **2025 (0) AIJEL-SC 74649** and has submitted that even on the ground of parity, the applicants are entitled to protection.

In view of same, issue notice returnable on 28.07.2026. Learned APP waives service of notice for the respondent-State.

Ad-interim relief in terms of Para 10(C) is granted.

Direct service is permitted.

Registry is directed to tag this matter along with Criminal Misc. Application 5993/2026.

VASIM S. SAIYED

(S. V. PINTO,J)