

Aashish and another vs. Union of India

Cr. MMO No. 764 of 2025

30.10.2025 Present: M/s Anuj Nag, Akshay Jain and Hakam Bhardwaj, Advocate, for the petitioner.

Mr. Bharat Bhushan, Senior Panel Counsel, for the respondent-UOI.

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Reply on behalf of respondent has not been filed. Time prayed to file reply, which is allowed, as not opposed. Reply be filed within four weeks. Rejoinder, thereto, if any, be filed within two weeks thereafter.

List the matter on 22.12.2025.

Cr.M.P. 3470 of 2025

Heard.

It has been submitted on behalf of the petitioner at this stage that as per statement of object and reason of Drugs & Cosmetics, the executive power of the Union of India extends to Chapter III, whereas the executive power of the State Government extends to Chapter IV. It was further submitted that as per entry 19 of List 3, Drugs and Poisons, subject to the provisions of entry 51 of List 1 with respect to opium, fall in concurrent list and by virtue of Article 73(1) proviso the executive power of the State would extend to the concurrent list unless expressly provided in the constitution or any other law by the

Parliament. Therefore, Union of India was not competent to file the complaint before the learned Trial Court. This issue requires deeper consideration but *prima facie* appears to be attractive.

Hence, it is ordered that till the next date of hearing the proceedings pending before the learned Trial Court shall remain stayed.

(Rakesh Kainthla)
Judge

30th October, 2025
(Chander)