



ITEM NO.3

COURT NO.5

SECTION II

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (CrI.) No(s).4536/2023

(Arising out of impugned final judgment and order dated 20-01-2023 in SBCRMEBA No.16009/2022 passed by the High Court Of Judicature For Rajasthan At Jaipur)

BHUPENDRA KUMAR

Petitioner(s)

VERSUS

STATE OF RAJASTHAN

Respondent(s)

(FOR ADMISSION and I.R. and IA No.72902/2023-EXEMPTION FROM FILING O.T. and IA No.72908/2023-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 04-08-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE DIPANKAR DATTA

For Petitioner(s) Mr. Rudro Chatterjee, Adv.
Mr. Shariq Nisar, Adv.
Mr. Yashovardhan Oza, Adv.
Mr. Faisal Mohammad, Adv.
Md. Tanvir, Adv.
Md. Yasin, Adv.
Mr. Anas Tanwir, AOR

For Respondent(s) Mr. Amit Pai, Adv.
Mr. Sandeep Kumar Jha, AOR

UPON hearing the counsel the Court made the following
O R D E R

1. The petitioner seeks his enlargement on regular bail in FIR No.328/2019 dated 06.09.2019 registered at Police Station Kotwali, District Jaipur under Sections 420, 467, 468, 476 read with Section

120-B of the Indian Penal Code, 1860 and Sections 17B(e), 18(a)(i), 18(a)(vi), 18(c), 18A, 18(b), 27(a), 27(b)(ii), 27(c), 27(d), 28, 28(a) of the Drugs and Cosmetics Act, 1940.

2. M/s. Torrent Pharmaceuticals Limited filed a complaint before the Drug Controller, Jaipur on 09.08.2019 alleging counterfeiting and illegal sale of their product tablet 'Losar-H' by M/s. Darsh Pharma. The petitioner was alleged to be a distributor of the firm who supplied the counterfeited medicine. He was arrested on 28.10.2019 and is in custody since then.

3. The investigation was completed and after filing of the charge-sheet and framing of charges, the prosecution has started leading its investigation. We are informed that out of 34 witnesses, three witnesses have since been examined.

4. It is also not denied that some of the co-accused of the petitioner have been released on bail by the High Court. It may be true, as pointed out by learned State counsel, that there are four more FIRs are registered against the petitioner, but according to counsel for the petitioner, two out of four cases are no longer pending.

5. Be that as it may, having regard to the period spent by the petitioner in custody and the fact that conclusion of trial will take a considerable time, but without expressing any opinion on merits of the case, the petitioner is directed to be released on bail subject to his furnishing bail bonds to the satisfaction of the Trial Court. The petitioner shall remain present on every date of hearing and in case he absents from appearing, it will be taken as a misuse of the concession of bail.

6. The special leave petition is, according, disposed of.

7. Pending applications, if any, stand disposed of.

(ARJUN BISHT)
COURT MASTER (SH)

(PREETHI T.C.)
COURT MASTER (NSH)