(2026) 03 BOM CK 0384

In the Bombay High Court, Nagpur Bench

Case No : Criminal Application [Appln] No. 73 Of 2025

State of Maharashtra — APPELLANT

Vs

Robin @ Himanshu Vijaykumar Taneja — RESPONDENT

Date of Decision : 24-03-2026

Acts Referred:

Indian Penal Code, 1860 — Section 34, 120(B), 274, 275, 276, 420, 467, 468, 471
Drugs and Cosmetics Act, 1940 — Section 17(B)
Bharatiya Nagrik Surakha Sanhita, 2023 — Section 483(2)

Citation : (2026) 03 BOM CK 0384

Hon'ble Judges : M.M. Nerlikar, J

Bench : Single Bench

Advocate : N.B. Jawade, L.G. Agrawal

Final Decision : Disposed Of

Judgement

M.M. Nerlikar, J

1. Heard the learned A.P.P. for the applicant/State and Shri Agrawal, learned Counsel for the Non-applicant.

2. The present application is filed by the applicant / State for cancellation of bail granted to the non-applicant Robin in Crime No.57/2024 registered with Kalmeshwar Police Station, Nagpur for the offence punishable under Sections 420, 467, 468, 471, 274, 275, 276, 120-B and 34 of the Indian Penal Code vide order dated 29.05.2025 by the District Judge and Additional Sessions Judge-7, Nagpur in Criminal Bail Application No.811/2025.

3. The facts of the case are that, the accused Vijay Choudhary had purchased drugs i.e. Ciprofloxain Tablets 500 mg Recip-500 Tablets and supplied the same to accused Mihir Trivedi. Said Mihir supplied the said drugs to Hemant Muley, who was the successful bidder in the tender floated by the State Government. This Hemant Muley supplied the said drugs to the Civil Surgeon, General Hospital, Nagpur which were distributed to the various rural hospitals. The complainant –

drug inspector had taken samples of the drugs and forwarded the same for analysis at Bombay, which report stated that the samples do not give identification test for the presence of Ciprofloxacin Hydrochloride, and thus, the same is spurious under Section 17-B of the Drugs and Cosmetics Act. On the basis of this material, the aforesaid crime came to be registered.

4. At the outset though the applicant State have invoked the provisions contained in Section 483[2] of the Bharatiya Nagrik Surakhs Sanhita (BNSS), seeking cancellation of regular bail granted to the non-applicant, however, their application basically challenges the order dated 29.05.2025. Even a prayer is made to that effect for quashing and setting aside the same.

5. The learned A.P.P. submits that all the accused persons in the aforesaid crime have hatched a conspiracy. A tender was floated by the Government of Maharashtra for procurement of 422 medicines on 12.11.2021. The successful bidder in the said tender process was one M/s. Jaya Enterprises of which accused no.1 Hemant Muley is the proprietor. It is submitted that so far as the present non-applicant is concerned, allegations against him are that he has acted as a middle man between Vijay Choudhary and Amit Dhiman. Since Hemant Muley got the tender, he has contacted Mihir Trivedi; in turn Mihir Trivedi contacted Vijay Choudhary, and Vijay Choudhary contacted the present non-applicant Robin in order to procure the medicines. Robin – non-applicant has procured medicines from Amit Dhiman. According to the prosecution, this is a racket, and they are dealing in the spurious drugs, right from manufacturing till the supply of spurious medicines to the Government at various places i.e. Government Hospitals and Dispensaries.

6. The learned A.P.P. submits that so far as the present non-applicant is concerned, he has procured medicines from Amit Dhiman, who is the manufacturer of Animal Feed Supplementary. This Amit Dhiman is not having any valid licence to manufacture the medicines for human consumption. It is submitted that the non-applicant is the main link between Amit Dhiman and Vijay Choudhary. The non-applicant was having knowledge about manufacturing of the spurious drugs and, therefore, at low cost he has placed the orders with Amit Dhiman, and spurious drugs were procured for supply to Vijay Choudhary, who in turn has supplied it to Mihir Trivedi and Mihir Trivedi has supplied the same to the successful bidder i.e. Hemant Muley. This Hemant Muley, whose tender was accepted, had supplied the said medicines to the Government Hospital at Nagpur, and from there the same were distributed to various Rural Hospitals within its vicinity. It is thus contended that the non-applicant has played a vital role in the entire episode. It is submitted that there are bank transactions between the non-applicant and Vijay Choudhary. It is also submitted that fake bills of Iscon Life Science were seized from the house of the non-applicant. Even spurious drugs were supplied at Nanded and Thane from the establishment of the non-applicant. It is also submitted that this bill itself is the link between the non-applicant and the manufacturer Amit Dhiman.

7. The learned A.P.P. further submits that there are transactions between Vijay Choudhary, Shailendra Choudhary and family members of the present non-applicant Robin, to the tune of Rs.2.85 Crores. It is submitted that so far as the transaction between Vijay Choudhary and Non-applicant is concerned, it is of Rs.1.08 Crores. The transaction between Vijay Choudhary and Priya (wife of present non-applicant) is to the tune of Rs.82,17,102/-. So far as the other transaction is concerned, i.e. between Vijay Choudhary and Poonam (mother of non-applicant), the same is of Rs.94.61 lakhs, it is therefore, submitted that total Rs.2.85 Crores was transferred to three accounts, either to the non-applicant, to his wife Priya or his mother Poonam. He submits that the non-applicant has not tendered any explanation that when Vijay Choudhary was having transaction of Rs.2.85 Crores for procurement of medicines, why there is no further transaction between the non-applicant and Amit Dhiman, who was allegedly the drug manufacturer, therefore, the learned A.P.P. submits that the non-applicant was having every knowledge that Amit Dhiman is not having any licence to manufacture the drugs used for human consumption, and he is manufacturing spurious drugs, as there are no bank transactions between Amit Dhiman and present non-applicant. Therefore, according to the learned A.P.P., the non-applicant is the main accused person, who has placed the order with Amit Dhiman to manufacture those drugs, which are mentioned in the tender document, and therefore, there are serious allegations against him. The learned A.P.P. submits that total 10 crimes are registered against the non-applicant in the State of Maharashtra, as well as in the State of Uttarakhand, and considering the seriousness of the crime, the Court below ought not to have granted bail to the non-applicant. He therefore, prays that the order granting bail be quashed and set aside by allowing this application

8. On the other hand, the learned Counsel representing the non-applicant – Robin, vehemently opposed the submissions canvassed by the learned A.P.P. by submitting that there are total 10 crimes registered against the non-applicant out of which 9 are registered in the State of Maharashtra and 1 crime is registered in the State of Uttarakhand. It is submitted that out of this 9 crimes registered in the State of Maharashtra, the non-applicant has been released on bail in 7 crimes either by the Judicial Magistrate or by the Sessions Court. He further submits that there is no material on record to connect the non-applicant with the alleged crime, except for the confessional statement of the co-accused Amit Dhiman. It is submitted that Robin was not having any knowledge that Amit Dhiman is manufacturing spurious drugs.

9. The learned Counsel for the non-applicant further submits that so far as the transactions between the family members of non-applicant and Vijay and Shailendra Choudhary and others are concerned, those are related with some other transactions relating to purchase of property, and those transactions have nothing to do with the present crime. He further submits that Amit Dhiman, who is the manufacturer of the drugs, had asked him to pay the amount in cash and accordingly he has paid the amount in cash. He further submits that only there

are transactions between Vijay Choudhary and non-applicant, so far as purchase of drugs is concerned to the tune of Rs.30.95 lakhs and Rs. 68.68 lakhs. According to the learned Counsel, that amount has already been paid to Amit Dhiman in cash, and accordingly drugs are purchased from him. As soon as the order was received from Vijay Choudhary, the non-applicant has placed the same with Amit Dhiman and accordingly on payment of cash amount, Amit Dhiman has supplied the said drugs. It is therefore, submitted that the non-applicant has nothing to do with the spurious drugs. The learned Counsel therefore, submits that considering the nature of material collected by the investigating agency, the Court below has rightly passed an order and granted bail to him. He submits that no interference is required with the well reasoned order. It is his further submission that the non-applicant was arrested on 15.07.2024, and though he was released by the order under challenge passed on 29.05.2025, he is still in jail in relation to other crimes, and thus, there is no merit in the application filed by the State and the same deserves to be rejected.

10. Spurious drugs are hidden danger that threaten not only the health of people today, but, also the safety and future of generations to come. These fake drugs are usually of poor quality and may contain harmful, inactive or incorrect ingredients. As a result of which they can cause serious health problems such as poisoning, organ damage or failure of treatment. Over the time, their effect can be more damaging, leading to genetic harm, reproductive issues and weakened immunity that may be passed to future generations. The circulation of such drugs also weaken public trust in healthcare systems, discouraging people from seeking proper treatment and creating cycle of poor health. Economically, families and nation suffers from repeated progress. Tragic incidents, such as deaths of children from contaminated cough syrups, show the urgent need for strong safety measures against spurious drugs. Protecting society from these counterfeit medicines is essential to ensure the health and prosperity of both present and future generations.

11. I have considered the rival submissions canvassed by the learned Counsel for the parties, and gone through the record with their assistance. I have also perused the order dated 29.05.2025 passed by the District Judge and Additional Sessions Judge-7, Nagpur. Admittedly it appears that the first information report bearing Crime No.57/2024 was registered against the non-applicant Robin and other accused persons. It further appears that after filing of the charge sheet, a private complaint was also filed by the Drugs Inspector and accordingly the provisions of Drugs and Cosmetics Act have been invoked. Both i.e. the charge sheet and private complaint came to be tagged together.

12. It would be useful to refer the observations of this Court in case of Rajesh Thomas Menges .vrs. State of Maharashtra and another – 2024 SCC Online Bom.355, wherein it is observed that the Courts have recognized the distinction between two situations, namely – cancellation of bail on the grounds which are in the nature of supervening circumstances, which owe their provenance to the

acts, events or conducts, post passing of the order of bail, particularly that of the accused, and the cancellation of bail on the merits of the matter, in the sense that the order of bail is vulnerable for either being perverse or otherwise legally unsustainable. In the present case, there is a challenge to the validity of the order granting bail. Therefore, it is important to take into account the yardstick for testing the correctness of an order granting bail as laid down by the Apex Court in the case of Meena Devi .vrs. State of U.P. - (2022) 14 SC 368, which is whether the Court below has exercised its discretion in an improper or arbitrary manner, thereby vitiating the said order.

13. What is important in the present matter, is whether Robin was having knowledge about the fact that Amit Dhiman, is manufacturing spurious drugs or not. After going through the relevant records, it appears that the order of this spurious drugs was placed by Vijay Choudhary with Robin, accordingly the drugs are procured from Amit Dhiman by Robin and the same were supplied. It further appears that there are many transactions between Vijay Choudhary and the non-applicant Robin.

14. It appears from the record that in the month of November, 2021, demand was made of drugs. There are several transactions between the accused persons. So far as for deciding the present application is concerned, it would be appropriate to consider the transactions between Vijay Choudhary and the present non-applicant. From the chart of transactions supplied by the learned A.P.P. [all these transactions are part and parcel of the charge sheet], it appears that since 11.11.2022, there are several transfers either from the account of Vijay Choudhary or Shailendra Choudhary in the accounts of the non-applicant, as well as his wife- Priya and mother Poonam. It could be gathered from all these transactions that all are made through bank accounts. It appears that Rs.1.08 Crores was deposited in the account of the present non-applicant, either from the bank account of Vijay Choudhary or Shailendra Choudhary. Similarly, Rs.82,17,102/- was deposited from the account of Vijay Choudhary or Shailendra Choudhary into the account of Priya, who is wife of the non-applicant. Further Rs.96.61 lakhs was also deposited in the account of Poonam who is mother of the non-applicant from the accounts of Vijay Choudhary or Shailendra Choudhary. Therefore, total amount which was deposited was approximately Rs.2.85 Crores. If this much amount was deposited by Vijay Choudhary or Shailendra Choudhary in the respective accounts of non-applicant or his family members, in that case, if it is presumed that the non-applicant was not having knowledge, then the non-applicant would have done similar type of transactions with Amit Dhiman with whom he has placed the order, for procurement of drugs. However, absolutely and surprisingly there is no such bank transactions between Amit Dhiman and the present non-applicant. An explanation was tried to be submitted by the learned Counsel for the non-applicant, that a condition was put by Amit Dhiman that he will accept the amount in cash only and not through bank transactions/online transactions. This explanation is undigestable and unacceptable. Therefore, admittedly the non-applicant has failed to explain such

a huge transaction. Therefore, the only conclusion which could be drawn from all this chronology is that the non-applicant was having every knowledge that Amit Dhiman does not have licence and further he is manufacturing spurious drugs, and accordingly in order to gain more profit, Robin placed order of spurious drugs with him, those spurious drugs were supplied by Amit Dhiman to present non-applicant Robin, who in turn supplied those to Vijay Choudhary. Vijay Choudhary has supplied those drugs to Mihir Trivedi and Mihir Trivedi supplied it to Hemant Muley, which spurious drugs ultimately came to be supplied to the government hospitals. It is to be further noted that all these transactions between Vijay Choudhary and present non-applicant, is after allotment of tender. Therefore, the only conclusion which could be drawn is that the non-applicant is involved in a serious crime. The learned trial Court ought to have considered this vital aspect of the matter while granting bail to the non-applicant.

15. It is informed that the non-applicant in another crime has approached the Principal Seat of this Court for grant of bail in another similarly registered crime within the jurisdiction of the principal seat. However, the said application was withdrawn by the present non-applicant. It was submitted by the learned A.P.P. that the Principal seat of this High Court was not inclined to grant bail, and therefore, the said application came to be withdrawn by the non-applicant.

16. Be that as it may, in the present case, while granting bail to the non-applicant, it was expected from the trial Court to at least record prima facie observations on the monetary transactions between Vijay Choudhary and the present non-applicant, however, bail was granted on the notion that the non-applicant is not the manufacturer of the seized spurious drugs. It was also observed that the alleged offence is of complicated nature, it will take considerable time to decide the same on merits, and as applicant is in jail since 9 months, the application came to be allowed. No doubt the non-applicant is in jail in the present crime, as well as in relation to the crimes which are registered throughout the State of Maharashtra. It appears from the record that as many as 10 crimes are registered against the non-applicant out of which 9 crimes are registered against the non-applicant in the State of Maharashtra and one crime is registered in the State of Uttarakhand. This is a racket, who has hatched conspiracy which can be gathered from the entire investigation papers. Therefore, considering the seriousness of the crime and the fact that there are transactions to the tune of crores of rupees between Vijay Choudhary and present non-applicant, and in turn there are no transactions between the non-applicant and Amit Dhiman, who is the manufacturer of the drugs, discloses that the non-applicant has not only actively participated in the alleged offence, but, also had every knowledge of the fact that Amit Dhiman is manufacturing spurious drugs and accordingly the present non-applicant has placed the order with Amit Dhiman and procured those spurious drugs and in turn they were supplied to the government medical hospital, through the chain referred above.

17. Further it is also to be noted that on the boxes of those medicines, name of

the medicine has been written and contents thereof are also mentioned. All these factors goes to show that these labels are forged labels, prepared with an intention to show that whatever medicines which are supplied, those are genuine and not spurious one, therefore, this is nothing but, forgery within the meaning of Section 467 of the Indian Penal Code to which the punishment provided is of ‘life imprisonment’ or which may be extended upto 10 years. Therefore, considering the above material, I am inclined to allow the application filed by the State and quash the impugned order as according to me the discretion exercised by the learned Judge is improper, thereby vitiating the said order. Hence the following order.

ORDER

(i) Criminal Application is allowed and disposed of.

(ii) The order granting bail to the non-applicant Robin dated 29.05.2025 passed by the District Judge and Additional Sessions Judge-7, Nagpur in Criminal Bail Application No.811/2025 is hereby quashed and set aside.

(iii) The non-applicant Robin @ Himanshu Vijaykumar Taneja be taken into custody in connection with Crime No.57/2024 registered with Kalmeshwar Police Station, Nagpur for the offence punishable under Sections 420, 467, 468, 471, 274, 275, 276, 120-B and 34 of the Indian Penal Code.

(iv) Misc. Applications, if any, also stands disposed of.