

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF NOVEMBER, 2021

BEFORE

THE HON'BLE MR. JUSTICE K. NATARAJAN

CRIMINAL PETITION NO.5141 OF 2021

BETWEEN:

CHETHAN C. V.
C/O. VENKATACHALU & CO.

... PETITIONER

(BY SRI K.P. BHUVAN, ADV.)

AND:

THE STATE OF KARNATAKA
BY J.C. NAGAR POLICE STATION,
BENGALURU - 560 006.

... RESPONDENT

(BY SRI MAHESH SHETTY, H.C.G.P.)

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THIS CRIMINAL PETITION IS FILED UNDER SECTION 438 OF THE CR.P.C. PRAYING TO ENLARGE THE PETITIONER ON BAIL IN THE EVENT OF HIS ARREST IN CRIME NO.66 OF 2021 REGISTERED BY J.C. NAGAR POLICE STATION, BENGALURU, FOR THE OFFENCES PUNISHABLE UNDER SECTION 420 OF THE IPC, SECTIONS 4, 5, 6, 7 AND 13 OF THE DRUGS CONTROL ACT AND SECTION 53 OF THE DISASTER MANAGEMENT ACT.

THIS CRIMINAL PETITION IS COMING ON FOR ORDERS, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

This petition is filed by accused No.2 under Section 438 of the Code of Criminal Procedure, 1973, for granting anticipatory bail in Crime No.66 of 2021 registered by J.C. Nagar Police Station, Bengaluru, for the offences punishable under Sections 4, 5, 6, 7 and 13 of the Drugs Control Act, 1950, Section 53 of the Disaster Management Act, 2005, and Section 420 of the Indian Penal Code, 1860.

2. Heard the arguments of the learned counsel for the petitioner and the learned High Court Government Pleader for the respondent-State.

3. The case of the prosecution is that, on 6-5-2021, Sri Vinod Jiragale, Sub-Inspector of Police, registered a *suo-motu* case, alleging that he received credible information about selling Remdesivir injections in unlawful manner for higher price than the rate fixed by the Government. After securing panchas, he visited the

spot and watched for some time and sent one *pancha* to contact accused No.1 and requested him to provide Remdesivir injection since his family members are suffering from COVID-19 positive. Accused No.1 informed him that he is in possession of three bottles of Remdesivir and demanded Rs.25,000/- per bottle for supplying the injection. Upon agreeing the fact, accused No.1 delivered the Remdesivir injection and accordingly, he was apprehended on the spot and a case was registered. After registering the complaint, accused No.1 was remanded to judicial custody and later, he was released on bail. Accused No.1 in his voluntary statement has disclosed that he received the Remdesivir injections from accused No.2, the petitioner. Apprehending his arrest at the hands of the Police, the petitioner approached the Sessions Court for grant of anticipatory bail, which came to be rejected. Hence, this petition.

4. Learned counsel for the petitioner has contended that, the petitioner is innocent of the alleged offences. There is no recovery from his custody. On the voluntary statement of accused No.1, he has been falsely implicated. Accused No.1 has already granted bail. He is ready to abide by any of the conditions that may be imposed by the Court. Hence, he prayed for allowing the petition.

5. *Per contra*, the learned High Court Government Pleader has contended that under the guise of purchasing Remdesivir injections, the Police caught accused No.1 red-handed and seized four Remdesivir injections and one scooter. Accused No.1 demanded Rs.25,000/-for supply of one bottle of Remdesivir injection. Accused No.1 in his voluntary statement stated that he received the supply of Remdesivir injections from accused No.2. Hence, he prayed to reject the petition.

6. Upon considering the arguments and perusal of the record, the petitioner is said to be working as a

Medical Representative and is said to have supplied Remdesivir bottle to accused No.1 which is meant for supplying for COVID-19 patients for free of cost from the Government. The accused persons is said to have demanded Rs.25,000/- per bottle of Remdesivir injection. The accused persons have demanded seven times more than the actual rate of medicine and they have misused the circumstances of people, who are suffering from COVID-19 and have sold the same in black market for their greediness. Therefore, it cannot be said that it is simple offence as it was disaster time and cheated the public at large and also created panic in the public. The petitioner is required for custodial interrogation. Hence, he is not entitled for anticipatory bail.

Accordingly, the petition is ***dismissed***.

**SD/-
JUDGE**

kvk