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MCRC-17066-2026

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE PRAMOD KUMAR AGRAWAL

MISC. CRIMINAL CASE No. 17066 of 2026*DR. S. S. THAKUR**Versus**THE STATE OF MADHYA PRADESH*

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Appearance:

*Shri Anil Khare - Senior Advocate with Shri Akshat Arjaria -
Advocate for the applicant.*

Shri C.M. Tiwari - Government Advocate for the respondent/State.

Shri Vikas Sharma - Advocate for the objector appeared through VC.

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Reserved on : 07.05.2026

Pronounced on : 22.05.2026

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ORDER

This is the first application filed by the applicant under Section 483 of the B.N.S.S., 2023 for grant of regular bail relating to Crime No.296/2025 registered at Police Station - Parasiya, District Chhindwara (M.P.) for the offences punishable under Sections 105, 276, 238(b) of B.N.S. and Section 27(a) of Drugs and Cosmetics Act, 1940 (for brevity, "Act of 1940"). Applicant is in detention since 07.03.2026.

2. Learned senior counsel for the applicant submits that applicant is innocent and has been falsely implicated in the present case. He is in custody since 07.03.2026. It is further submitted that present applicant is a Child Specialist and has been rendering medical services in Parasia, District



Chhindwara for more than 45 years. He has no connection with Dr. Praveen Soni and other co-accused persons regarding the incident. He had no information regarding any contamination or adulteration in the syrup. He has neither received any commission from the manufacturer nor distributor for prescribing Coldrif cough syrup. The applicant had no role in the handling, distribution, or destruction of the syrup, unlike the other co-accused. He has prescribed the cough syrup to the patients in good faith. The applicant had no knowledge that the particular batch of syrup was adulterated and it would cause death to the children. He had also no knowledge that the samples were collected from Apna Medical Store situated near Dr. Praveen Soni's clinic by Drug Controller. There is allegation that applicant has given treatment to four children and they were died but in the charge sheet description of only two children is given. Earlier the charge sheet was filed against nine accused persons and the name of present applicant is mentioned only in the supplementary charge sheet. It is further submitted that the applicant has not talked with co-accused Dr. Praveen Soni. It is further submitted that as per the circular bearing File No.04-01/2022-DC (Misc.-47) issued by Government of India, Directorate General of Health Services Central Drugs Standard Control Organization (FDC Division) on 18.12.2023, only fixed dose combination of two medicines i.e. Chlorpheniramine Maleate + Phenylephrine is banned and not combination of three medicines to the children below the age of 4 years. It is further submitted that even as per guidelines of the government, the manufacturer should mention the warning on the wrapper of medicine that it should not be given to children below four



years of age and not by the Doctor. It is further submitted that the death of children was not caused due to fixed dose compound medicine i.e. Paracetamol+Chlorpheniramine Maleate + Phenylephrine, but it was caused due to adulteration of some poisonous substance in the medicine. It is further submitted that in this cough syrup, there is combination of three medicines Paracetamol+Chlorpheniramine Maleate+ Phenylephrin, which is not banned by the government. It is further submitted that the cause of death of deceased Harsh Gokul Yaduwanshi is complication following Diethylene Glycol poisoning (Unnatural). The SDOP, Parasia sent a letter to the Deputy Drugs Controller, CDSCO on 29.12.2025 and sought clarification as to whether any notification exists banning the use of the fixed dose combination of Paracetamol+Chlorpheniramine Maleate+Phenylephrine in children below 4 years. In reply, the FDC Division of CDSCO stated that the said combination is under examination in consultation with the expert committee/Drugs Technical Advisory Board. It is submitted that all the concerned authorities have shifted the burden of responsibility on each other in relation to the incident. It is further submitted that the samples were collected from Apna Medical Store on 24.09.2025 and the test report was received on 04.10.2025, which reflected the presence of Diethylene Glycol (DEG) in Coldriff cough syrup. The applicant has prescribed the said medicine on 23.08.2025 and 26.09.2025 and he had no knowledge of any adulteration in the cough syrup. In this regard, he has placed reliance upon the decision of the Supreme Court in the case of *Jacob Mathew Vs. State of Punjab, (2005) 6 SCC 1*. It is further submitted that on the basis of the aforesaid judgment,



State Government has issued a circular dated 28.10.2011 to the all Collectors and Superintendents of Police that without enquiry, criminal case should not be registered against the practitioner doctor. He has also placed reliance upon the decisions of Apex Court in *Martin F. D'Souza vs. Mohd. Ishfaq (2009) 3 SCC 1 & Dr. Suresh Gupta vs. Govt. of NCT of Delhi & Another (2004) 6 SCC 422*. He has also placed reliance upon the decision passed by the High Court of Delhi in the case of *Glenmark Pharmaceuticals Limited and another Vs. Union of India and another in W.P.(C) No.5037/2025 on 24.04.2025*. The conclusion of trial will take considerable time. Hence, he prayed that the applicant may be granted regular bail.

3. Learned Government Advocate for State has submitted that applicant is a Child Specialist and his clinic is in Parasiya, District Chhindwara and his son Dr. Amit Thakur is also Child Specialist and practises in Parasiya. Present applicant has prescribed "Coldriff" cough syrup to the children who were approximately aged about 4 years. The Government Laboratory and Drug Department reports conclusively establish that the said cough syrup contained Diethylene Glycol (DEG) at 46.28% W/V, whereas the permissible pharmacopoeial limit is 0.1% W/V. DEG is a well known nephrotoxin especially fatal in children and the cause of death was acute kidney failure/Acute Tubular Necrosis (ATN). It is further submitted that as per the circular bearing File No.04-01/2022-DC (Misc.-47) issued by Government of India, Directorate General of Health Services Central Drugs Standard Control Organization (FDC Division) on 18.12.2023, the fixed dose compound i.e. Chlorpheniramine Maleate + Phenylephrine to the children



below the age of 4 years was banned. In spite thereof, the present applicant (doctor) prescribed the cough syrup to the children which is fixed dose compound.

3.1 It is further submitted that statement of son of the present applicant, Amit Thakur, who is also Child Specialist, has been recorded during investigation and he has stated that he had telephonic conversation with Dr. Khadse Madam who was posted at Nagpur in her mobile number 9823032908 and she told him that from Parasiya region, two children were admitted in her hospital due to kidney problem. She also advised him that he must conduct kidney function test of children. It is further submitted that present applicant is the father of Dr. Amit Thakur who also practises with his son at Parasiya. It is further submitted that present applicant was having knowledge that children are suffering from kidney problem even then he did not take precaution and he continued to prescribe the said cough syrup. It is further submitted that statement of Dr. Manish Tiwari, who is the Head of Pediatric Department in Government Medical College, Nagpur, has been recorded and he has stated that many children from Chhindwara district were admitted in his hospital due to the kidney problem, out of which some have been died and some required ventilator support. During investigation, it was found that cough syrup "Coldriff" contains toxic DEG (Diethylene Glycol) due to which innocent children below the age of 4-5 years were died. It was also found that in the said Coldriff syrup, combination of Paracetamol+Chlorpheniramine Maleate + Phenylephrine was found, which should not be given to the children below the age of 4 years. It is



further submitted that in this case, many innocent and minor children are died and this cough syrup/Coldriff Syrup caused harm in the large scale for public health.

3.2 It is further submitted that the applicant was aware of the fact that the children were developing Acute Kidney Injury. It is further submitted that multiple cases appeared in cluster form indicating a drug related adverse effect, even then, no intimation was given by the applicant (doctor) to the Drug Department, Competent Authority and Hospital Administration. It is further submitted that bail applications of co-accused persons namely Dr. Praveen Soni, Smt. Jyoti Soni, Sourabh Kumar Jain and Rajesh Kumar Soni were dismissed by this Court on merits by passing a well reasoned order on 17.02.2026 in M.Cr.C. Nos.47318/2025, 52938/2025, 51142/20205 and 52933/2025 respectively. It is further submitted that facts and circumstances of the present case is entirely different from the facts in Jacob Mathew (supra) case. Hence, applicant does not deserve grant of regular bail.

4. Learned counsel for objector has submitted that due to the administration of poisonous cough syrup prescribed by the doctor, many innocent and minor children have been died and others have suffered grievous harm. In this case, by notification dated 18.12.2023, the Central Government specifically prohibited the prescription of such cough syrup (FD compound medicine) for children below the age of 4 years, but the applicant prescribed the same which shows gross disregard for public safety. The public authorities have also not done their duties in this case. It is further submitted that in such a grave and sensitive matter, if bail is granted to the



applicant, then it would seriously undermine the public confidence. He has placed reliance upon the decisions of the Supreme Court in the cases of *Manoj Kumar Khokhar Vs. State of Rajasthan and another, (2022) AIR (SC) 364*, *Rohit Bishnoi Vs. The State of Rajasthan and another, 2023 LiveLaw (SC) 560* and *X Vs. State of Rajasthan and another, 2024 INSC 909*. It is further submitted that against the applicant, prima facie evidence is strong. Role of the applicant is very serious and the alleged offence affected the public safety and health, therefore, he prayed for rejection of this bail application.

5. I have heard learned counsel for the rival parties and perused the record.

6. Having taken into consideration over all facts and circumstances of the case and looking to the fact that the applicant who is the Child Specialist Doctor has prescribed the fixed dose compound to the children below the age of 4 years which was banned by the circular issued by the Government on 18.12.2023, due to which many innocent children have been died, the alleged cough syrup caused harm to the public health in a large scale and the fact that Dr. Manish Tiwari, who is the Head of Pediatric Department in Government Medical College, Nagpur has stated that fixed dose combination i.e. Paracetamol+Chlorpheniramine Maleate + Phenylephrine should not be given to the children below the age of 4 years and the facts and circumstances of the present case is entirely different from the facts and circumstance of Jacob Mathew's case (supra) because in this case, report has been lodged by a Competent Authority (Block Medical Officer), hence, this



is not a fit case to grant bail to the applicant.

7. Consequently, the present bail application stands **dismissed**.

8. It is made clear that any observations made herein are only for the purpose of deciding the present petition and shall not be construed as an expression on the merits of the case. The learned Trial Court shall proceed with the matter uninfluenced by any observations made by this Court and shall decide the case strictly in accordance with law.

(PRAMOD KUMAR AGRAWAL)
V. JUDGE

Sateesh