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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(CRL) 953/2021, CRL.M.A. 6896/2021, CRL.M.A.7519/2021 & CRL.M.A. 7526/2021

DR. DEEPAK SINGH ..... Petitioner  
Through: Mr. Virag Gupta and Mr. Gaurav Pathak,  
Advocates.

versus

UNION OF INDIA & ORS. .... Respondents  
Through: Mr.Amit Mahajan, CGSC and Mr.Amit  
Gupta, Mr. Vinay Yadav, Mr. Akshay  
Gadeock & Mr. Sahaj Garg, Advocates for  
respondent/ UOI.  
Mr. Rahul Mehra, Sr. Advocate with Mr.  
Sanjay Lao, Standing Counsel (Crl.), with  
Mr. Chaitanya Gosain, Mr.Karanjeet  
Sharma, Advocates along with Mr.Rajesh  
Deo, DCP (Crime & Legal), for GNCTD.  
Mr. Satya Ranjan Swain, Advocate with  
Mr.Vedansh Anand and Mr. Amit Tiwari,  
Advocates for applicant in CRL MA No  
7526/2021.  
Mr. Rajshekhar Rao, Senior Advocate  
(Amicus Curiae) with Mr. Anandh  
Venkataramani, Mr. Vinayak Mehrotra, Ms.  
Mansi Sood, Mr. Areeb Y. Amanullah,  
Mr.Karthik Sundar and Ms. Sonal Sarada,  
Advocates.  
Ms.Nandita Rao, ASC for Drug Controller.

**CORAM:**  
**HON'BLE MR. JUSTICE VIPIN SANGHI**  
**HON'BLE MR. JUSTICE JASMEET SINGH**

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**ORDER**  
**24.05.2021**

The Delhi Police has filed further status report dated 22.05.2021. The same has been perused by us. Having heard the learned counsels the three instances in our view deserve to be inquired into by the Drug Controller are one relating to the allegations made against Sh. Gautam Gambhir, MP BJP, Mrs. Preeti Tomar, MLA AAP and Sh. Praveen Kumar, MLA AAP. So far as Sh. Gautam Gambhir is concerned, as per the status report, 2628 strips of Fabiflu tablets were purchased on the prescription of one Dr. Sanjay Garg (GARG hospital) which were distributed at a camp under the supervision of Dr. Manish of GARG Hospital between 22.04.2021 and 07.05.2021 on the basis of the prescription produced by the persons. The status report discloses that 285 strips were left after distribution which have been deposited with the Director General of Health Services, Delhi in light of the observations made by us in our order dated 17.05.2021.

It is also disclosed in the status report that the said 2628 strips were purchased from authorized vendors against prescription dated 18.04.2021 issued by Dr. Sanjay Garg. The aspects which need to be examined include as to how such a large quantity of medicines Fabiflu was issued by the authorized vendors against one prescription dated 18.04.2021 particularly when the said medicine was in grave short supply at the relevant point of time. We can take judicial cognizance of this fact as we have been seeing the situation on the ground and dealing with these matters for a considerable time. It will also need examination as to how these medicines, having been purchased in retail, were distributed to several patients, or given to the attendants of patients by Dr. Manish of Garg hospital.

The status report discloses that Sh. Gautam Gambhir obtained those medicines through his Foundation. Though the documents in support of the status report have not been filed, Mr. Deo states that all documents have been collected during inquiry. Since aspects in relation to violation and breach of the provisions of The Drugs & Cosmetics Act, 1940 are within the realm of the Drug Controller to inquire into it, all the materials collected by Delhi Police to be placed at the disposal of the Drug Controller. The Drug Controller shall undertake the necessary inquiry/investigation and file a status report within a week from today. The status report should indicate as to what are the infractions/violations of the said Act explained thereunder, if any, which have resulted out of the aforesaid transactions and the persons liable therefore.

Similarly, in relation to Mr. Praveen Kumar, MLA and Mrs. Preeti Tomar, MLA, we have perused the status report and since their alleged conduct involves procurement and stocking of medical oxygen, which is also classified as a drug, the Drug Controller shall undertake similar exercise and include its finding in the status report to be filed within a week.

Delhi Police shall share relevant materials with the Drug Controller in relation to the said two cases as well. The materials be shared with the Drug Controller during the course of the proceeding itself.

During the course of the hearing, we heard the submissions of Ms. Nandia Rao, who appears for the Drug Controller. It appears that the Drug Controller is presently not well versed with its statutory obligations and powers in relation to conduct of inquiry/investigation/prosecution of cases relating to violation of the provisions of Drugs & Cosmetics Act and the Rules laid thereunder. So as to have an effective investigation and

prosecution of cases, we consider it necessary to direct the law department of the GNCTD to ensure that necessary expertise is provided to the Office of Drug & Controller to be able to successfully carry out its duties in this regard. Status report be filed by the Drug Controller within a week.

This matter shall be considered on 31.05.2021.

**VIPIN SANGHI, J**

**JASMEET SINGH, J**

**MAY 24, 2021**

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