

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

SUO MOTO CRIMINAL PUBLIC INTEREST LITIGATION NO.02 OF 2021

REGISTRAR (JUDICIAL), HIGH COURT OF BOMBAY, BENCH AT  
AURANGABAD.

-VERSUS-

THE STATE OF MAHARASHTRA AND OTHERS.

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Shri S.S. Bora, appointed as Amicus Curiae.  
Shri D.R. Kale, Chief Public Prosecutor, for the Respondent/ State.

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**CORAM : RAVINDRA V. GHUGE  
&  
B. U. DEBADWAR, JJ.**

**DATE :- 22<sup>nd</sup> April, 2021**

**Per Court :-**

1. This Court has come across specific issues having been raised by the local newspapers having wide circulation in the Marathwada region, in relation to the Covid-19 pandemic, as follows:-

Sr. No.	Name of Newspaper and Date	Issues raised/ Title of news item	Page No. of compilation
1.	Marathi daily "Divya Marathi", 12.04.2021	Survivors of Covid-19 deceased patients have to run from pillar to post to collect various certificates for performing funeral rites.	1

2.	Marathi daily “Sakal”, 20.04.2021	The Divisional Commissioner of Marathwada region has initiated steps for ensuring that private hospitals would erect oxygen generation plants. However, certain reservations are expressed about the said proposal.	2
3.	Marathi daily “Lokmat”, 20.04.2021	A grim situation has occurred due to disruption in oxygen supply and the relatives of the corona positive patients are advised by private hospitals to search for hospitals having proper oxygen supply and shift the patients to such hospitals.	3
4.	Marathi daily “Lokmat”, 20.04.2021	Black marketeering of Remdesivir injections. They are being sold at exorbitant rates, quoting Rs.22,000/- per vial, when costs of such injections produced by various pharmaceutical companies ranges between Rs.850/- to Rs.2500/-.	4 and 5
5.	Marathi daily “Sakal”, 21.04.2021	Police have arrested suspects who are selling Remdesivir injections at Rs.37,500/- each vial, which were seized.	6
6.	Marathi daily “Lokmat”, 21.04.2021	Remdesivir injections having been sold by a nurse at the rate of Rs.12000/- per injection.	7
7.	Marathi daily “Lokmat”, 21.04.2021	Some pharma stockists in Nagpur have unauthorisedly sold Remdesivir injections from Dhaka in Bangladesh.	8

8.	Marathi daily "Lokmat", 21.04.2021	Former MLA of a national political party has sold Remdesivir injections to a long queue of purchasers without licence/ unauthorisedly.	9
9.	Marathi daily "Lokmat", 21.04.2021	Demand for oxygen in the State of Maharashtra has grown seven times. Some of the districts in the Marathwada region are receiving 50% supply as per the statistic set out in the said news.	10 and 11
10.	Marathi daily "Sakal", 22.04.2021	Oxygen plant in the Government Medical College and Hospital premises in Aurangabad is likely to face great risk of an accident similar to the one that has occurred in Nashik on 21.04.2021.	12
11.	Marathi daily "Sakal", 22.04.2021	The State of Maharashtra requires 500 tons of oxygen, though 1250 tons of oxygen produced in the State is being used in hospitals. Several relatives of covid-19 patients are moving on the streets searching for oxygen.	13 and 14
12.	Marathi daily "Lokmat", 22.04.2021	Marathwada region faces an acute shortage of oxygen.	15
13.	Marathi daily "Lokmat", 22.04.2021	Driver of a tanker unloads liquid oxygen into the oxygen tank found in the Government Medical College and Hospital, Aurangabad, without experts supervision.	16
14.	Indian Express, 22.04.2021	Delhi hospitals send out SOS, say Haryana blocking oxygen supply.	17 and 18

2. Copies of the above newspaper cuttings (18 pages) are taken

on record and are marked as "X-1" collectively for identification.

3. Considering the above, this Court finds it appropriate to take suo-moto cognizance of the above news reports, especially at serial Nos.1, 2, 3, 4, 5, 6, 7, 9, 10 and 13, and appoint Shri S.S. Bora, as an Amicus Curiae. The above paper cuttings (18 pages) are being handed over to the learned Amicus Curiae, who assures the Court that he would prepare the Criminal Public Interest Litigation and present it to the Court on 26.04.2021.

4. The learned Government Pleader and Chief Public Prosecutor, present in the Court, submits that the Union of India also needs to be arrayed as one of the respondents since it is the Central Government, which decides the quota for distribution of oxygen and Remdesivir injections to various States depending upon population and the need of such States.

5. We find that the Divisional Commissioner, Aurangabad, the Commissioner of Police, Aurangabad, the District Collectors of districts amenable to the jurisdiction of this Court, the Commissioners/Administrators of the Municipal Corporations within the districts amenable to the jurisdiction of this Court and the District Superintendents of Police of such districts will have to be arrayed as the respondents. We expect that the Secretary of the Public Health Department and the Secretary of the Food and Drugs Department of the State of Maharashtra

would also be arrayed as the respondents.

6. In view of the request made by the learned Amicus Curiae, we grant him permission to tender the PIL paper book on 26.04.2021 and in the event of such filing, the same would be taken up at 02:30 PM on the said date.

7. Since we are apprised of the fact that the Honourable Supreme Court has placed matters pertaining to supply of oxygen and Remdesivir injections, for hearing on Friday, 23.04.2021, we expect the learned Amicus Curiae to keep track of the said proceedings and in the event all matters are transferred for common hearing before the Honourable Supreme Court, he may point this out to us on 26.04.2021.

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(B. U. DEBADWAR, J.)

(RAVINDRA V. GHUGE, J.)