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**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**

**R/SPECIAL CIVIL APPLICATION NO. 9276 of 2021**  
**With**  
**R/SPECIAL CIVIL APPLICATION NO. 9312 of 2021**

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NITESH KAILASHKUMAR JOSHI

Versus

STATE OF GUJARAT &  
POLICE COMMISSIONERS, AHMEDABAD & VADODARA

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Appearance :

MR K I KAZI, ADVOCATE for the Petitioner

MR HARDIK SONI & MR NIKUNJ KANARA, AGPs for the Respondents

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**CORAM: HONOURABLE MR. JUSTICE PARESH UPADHYAY**

**Date : 09/08/2021**

**ORAL ORDER**

1. The petitioner apprehended detention under PASA in connection with two FIRs being :- (i) C.R. No.11136010210005 of 2021 registered with the D.C.B. Police Station, Vadodara City for the offences punishable under Sections 420 and 114 of the Indian Penal Code, Sections 3, 7 and 11 of the Essential Commodities Act & Section 53 of the Disaster Management Act and Section 27 of the Narcotic Drugs Substances Act and (ii) C.R. No.11131011210046 of 2021 registered with the D.C.B. Police Station, Ahmedabad City for the offences punishable under Sections 274, 275, 308, 420 and 120B of the Indian Penal Code, Section 7(1)(a)(ii) of the Essential Commodities Act & Section 53 of the Disaster Management Act and Section 27 of the Narcotic Drugs Substances Act

2. In response to the notice of this Court, Mr. Hardik Soni and Mr. Nikunj Kanara, learned Assistant Government Pleaders

state that, there is proposal to detain the petitioner under PASA.

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3. This Court has taken into consideration the narration in the FIRs and also the order of this Court dated 05.08.2021 recorded on Special Civil Application No.10862 of 2021 and the stand of the State Authorities as contained in the order dated 06.08.2021 recorded on Special Civil Application No.10452 of 2021 and cognate matters.

4. It is noted that, from different districts either detention orders are passed or are stated to be in contemplation in connection with the FIRs, many of which are filed by the police on secret information pertaining to illegalities in procurement and distribution of Ramdesivir injunctions. Though the detaining Authority may be different in different districts, illegalities in procurement and distribution of Ramdesivir injunctions is such an issue, where some uniformity at the State level is required, so that such an issue can be responded by the district Authorities in uniform manner.

5. This may also lead to a question, whether the State Government is willing to resort to such stringent measures uniformly qua all the accused / citizen in all cases, without being influenced by the position of the concerned person, where complaints have come for alleged illegalities in the procurement and distribution of Ramdesivir injunctions in unauthorised manner.

6. Let the response from the State level Authority be filed before the next date of hearing.

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7. List for further consideration on 09.09.2021.

8. It is ordered that, detention order if any passed against the petitioner qua the FIRs in question, shall not be executed till the reply is filed by the State Authorities and the matter is heard.

M.H. DAVE/103 & 108

(PARESH UPADHYAY, J)

