

Addl Sessions Judge  
New Delhi District N D

36 Bail Matter 1327/2025  
STATE OF DELHI Vs. VICKY RAMANCHA  
FIR NO.75/2025  
(EOW New Delhi)  
U/s.420/406/120B IPC

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11.08.2025

**Ld. Regular Addl. PP is on leave today.**

Pr. Sh. K.D. Pachauri, Ld. Substt. Addl. PP for the State.  
Sh. Yagyesh Kumar and Sh. Ananya Rai, Ld. Counsel for  
applicant / accused.  
Sh. Dinhar Takiar and Sh. Namit saxena, Ld. Counsels for  
complainant.  
IO/SI Sanjeet Singh.

Arguments were heard on 08.08.2025 and matter is listed for  
orders today.

1. **This application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed by the applicant Vicky Ramancha seeking anticipatory bail in FIR No. 0075/2025 registered at Police Station Economic Offences Wing, New Delhi under Sections 406, 420, and 120-B of the Indian Penal Code, 1860.**

**FACTUAL BACKGROUND**

2. The applicant stands accused of orchestrating an elaborate international criminal conspiracy involving the supply of counterfeit pharmaceutical drugs, specifically 'Ozempic', to foreign entities. The allegations paint a picture of a sophisticated transnational fraud operation that allegedly caused financial losses exceeding USD 18.8 million to the complainant company,

Assure Global LLC.



3. The investigation reveals a systematic pattern of criminal conduct that began with false representations of having legitimate pharmaceutical supply chains and government connections in India. The applicant allegedly created fraudulent certificates of origin and trade documentation to establish credibility, using initial partial deliveries to build trust before escalating to larger fraudulent transactions. The scheme involved fraudulently inducing the complainant company to pay USD 18,834,382 for pharmaceutical drugs, subsequently supplying counterfeit Ozempic drugs that were seized by the US FDA, and creating false documentation showing legitimate pharmaceutical supply chains. The prosecution alleges that the applicant used notarized documents from Patiala House Courts to lend legitimacy to fraudulent agreements.
4. The case has attracted attention from US federal authorities, with the complainant company receiving subpoenas from the US Department of Justice regarding potential violations of federal criminal laws, including importation of misbranded drugs.

**APPLICANT'S CONTENTIONS**

5. The applicant's primary contention rests on the assertion that no part of the alleged criminal conspiracy occurred within Indian territory. The defense argues that all substantive agreements were executed outside India, financial transactions occurred through





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international banking channels, the pharmaceutical products were delivered directly from China to the USA, and the complainant company is a foreign entity with no Indian presence. The applicant contends that the dispute is essentially contractual, evidenced by ongoing arbitration proceedings under London Court of International Arbitration (LCIA), existence of detailed commercial agreements between parties, standard commercial dispute resolution clauses in the agreements, and absence of allegations of traditional criminal conduct such as theft or robbery.

6. The defense has raised several procedural objections including improper service of notices under Section 35(3) BNSS through electronic means, lack of prior sanction under Section 208 BNSS for offences allegedly committed outside India, invalid registration of FIR despite Action Taken Report concluding no Indian jurisdiction, and defective complaint lacking proper authorization documentation. The applicant maintains that any contractual breaches were due to genuine business difficulties rather than criminal intent, reliance on third-party suppliers who may have supplied substandard goods, complex international pharmaceutical supply chains beyond applicant's direct control, and willingness to resolve disputes through legitimate commercial arbitration.



**STATE'S SUBMISSIONS**

7. The prosecution establishes Indian jurisdiction through multiple connecting factors including documents notarized at Patiala House Courts. The state argues that the case transcends mere commercial disputes through systematic pattern of fraudulent conduct across multiple transactions, deliberate supply of counterfeit drugs endangering public health.
8. The prosecution emphasizes broader implications including threat to India's reputation as a reliable pharmaceutical manufacturer, potential harm to legitimate pharmaceutical export industry, international trade implications, and public health and safety concerns from counterfeit drug trade. The state contends that the applicant's sophisticated operations demonstrate criminal intent rather than mere commercial difficulties, with evidence showing deliberate misrepresentation, systematic fraud across multiple jurisdictions, and coordinated efforts to evade legal accountability.

**TERRITORIAL JURISDICTION**

9. The question of territorial jurisdiction in criminal cases involving international elements requires careful examination of the connecting factors that establish a court's authority to adjudicate. This Court must determine whether sufficient nexus exists





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between the alleged criminal conduct and Indian territory to justify the exercise of jurisdiction. The jurisdictional challenge presented by the applicant cannot be resolved through a superficial examination of documents alone. Jurisdictional determinations often require factual findings that can only be made through proper investigation and trial.

10. Documentary evidence shows the applicant maintained operational presence in New Delhi, with key agreements physically notarized within the territorial jurisdiction of this Court. The Supreme Court in *Ajay Agarwal v. Union of India (1993) 3 SCC 609* established that when any part of a criminal conspiracy is planned or executed within a jurisdiction, courts have authority over all connected offences.
11. The applicant allegedly used Indian legal systems to lend legitimacy to fraudulent operations through notarization of key documents at Patiala House Courts, creation of false impression of government backing through use of official Indian legal processes. Modern criminal law recognizes that transnational crimes cannot escape prosecution merely because they span multiple jurisdictions. The principle of territoriality must be applied pragmatically in cases involving international fraud schemes.

**DISCRETIONARY NATURE OF ANTICIPATORY BAIL**



12. Anticipatory bail represents an extraordinary remedy that must be exercised with extreme caution. As established in ***Gurbaksh Singh Sibbia v. State of Punjab (1980) 2 SCC 565***, this discretionary power exists to prevent misuse of arrest powers by investigating agencies, harassment of innocent persons, and disruption of legitimate business and personal activities. However, this discretion must be balanced against public interest in effective criminal investigation, gravity of alleged offences, potential for accused to flee or tamper with evidence, and broader societal implications of the alleged crimes.
13. The present case involves allegations of large-scale international fraud exceeding USD 18 million, supply of counterfeit pharmaceutical drugs endangering public health, complex money laundering operations across multiple jurisdictions, and systematic criminal conspiracy spanning several months. Several factors indicate substantial flight risk including international operations providing multiple avenues for escape, substantial financial resources allegedly obtained through fraudulent means, connections across multiple jurisdictions. The international nature of the alleged conspiracy creates significant concerns about destruction of electronic records and communications, influence over international co-conspirators and witnesses, manipulation of complex financial records across jurisdictions,





and coordination with foreign entities to obstruct investigation.

14. ***In P. Chidambaram v. Directorate of Enforcement (2019) 9 SCC***

**24**, Hon'ble Supreme Court emphasized that anticipatory bail in serious economic offences must consider magnitude of the alleged fraud, international ramifications, potential for continuing criminal activity, and public confidence in the criminal justice system. The Supreme Court in ***Siddharam Satlingappa Mhetre v. State of Maharashtra (2011) 1 SCC 694*** emphasized that anticipatory bail should be denied when offences are grave and serious in nature, accused may flee from justice or influence witnesses, grant of bail would send wrong message to society, and public interest demands custodial interrogation.

**SPURIOUS DRUGS**

15. India's pharmaceutical sector represents one of the nation's most valuable economic and strategic assets, contributing significantly to national GDP. India has been designated as "Pharmacy of the World" by international health organizations, representing a critical component of India's soft power and diplomatic influence, essential for global health security and pandemic preparedness, and key element of India's manufacturing and export strategy.

16. The supply of spurious pharmaceuticals represents a multi-dimensional threat involving direct risk to patient safety and



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treatment efficacy, potential for severe adverse reactions and death. Economic consequences include loss of market share for legitimate manufacturers, reduction in export revenues and foreign exchange earnings, increased regulatory compliance costs for entire industry, and potential trade sanctions and import restrictions by recipient countries. The regulatory and diplomatic impact involves damage to India's reputation as reliable pharmaceutical manufacturer, increased scrutiny from international regulatory bodies (FDA, EMA, WHO), potential disruption of pharmaceutical trade agreements, and strain on diplomatic relationships with importing nations. The seizure of counterfeit Ozempic by US FDA demonstrates the serious international implications

**CONCLUSION**

17. After examination of the factual matrix and legal precedents, this Court finds that the question of territorial jurisdiction presents a mixed question of fact and law that cannot be conclusively determined at this preliminary stage. Physical nexus exists through documents notarized within the territorial jurisdiction of this Court on multiple occasions, evidence suggesting strategic planning and coordination from New Delhi.
18. The grant of anticipatory bail requires careful balancing of individual liberty against public interest. While the applicant's





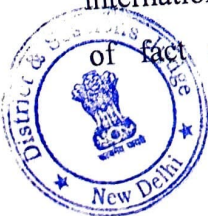
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right to personal liberty is fundamental, it must be weighed against gravity of alleged offences involving international fraud and public health risks, substantial flight risk given international operations and financial resources, potential for evidence tampering and witness intimidation, and broader implications for India's pharmaceutical industry reputation. All factors militating against grant of anticipatory bail are present including international fraud exceeding USD 18 million, supply of counterfeit drugs endangering public health, complex multi-jurisdictional operations facilitating flight, and potential for ongoing criminal activity and evidence destruction.

19. India's pharmaceutical industry represents a strategic national asset requiring protection from criminal exploitation. The supply of counterfeit pharmaceuticals represents a direct threat to public health and safety. Swift legal action against pharmaceutical crimes is essential for maintaining India's position as the "Pharmacy of the World" and protecting legitimate manufacturers from regulatory backlash.

20. After comprehensive examination of the factual matrix, legal submissions, and broader public interest considerations, this Court finds that the present case involves serious allegations of international fraud and supply of spurious drugs, mixed questions of fact and law regarding territorial jurisdiction requiring



investigation, substantial public interest considerations outweighing individual liberty claims, and significant flight risk and potential for evidence tampering. The discretionary remedy of anticipatory bail cannot be granted in circumstances where allegations involve grave offences against public health and safety, international ramifications threaten India's pharmaceutical industry reputation, complex investigation requires custodial interrogation and international cooperation, and grant of bail would undermine public confidence in criminal justice system.

21. This Court emphasizes that the dismissal of anticipatory bail application is based on the specific circumstances of this case and should not be construed as prejudging the ultimate guilt or innocence of the applicant. This case serves as a reminder that India's emergence as a global pharmaceutical leader carries with it responsibilities to maintain the highest standards of quality, integrity, and legal compliance.
22. Accordingly, **the anticipatory bail application is hereby DISMISSED** on the grounds that the jurisdictional complexity presents mixed questions of fact and law requiring comprehensive investigation that cannot be conclusively determined at this preliminary stage. The extraordinary remedy of anticipatory bail is inappropriate given the gravity of allegations, flight risk, and potential for evidence tampering. The






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allegations involving supply of spurious drugs pose direct threats to public health and safety requiring robust legal response. However, it is made clear that merely because the anticipatory bail has been dismissed, does not mean that the accused has to be arrested. The investigating agency shall exercise the power of arrest only as a last resort, strictly for the purpose of investigation. The IO is directed to comply with all the relevant legal provisions and precedents in this regard with specific reference to **Arnesh Kumar Vs. State of Bihar (2014 8 SCC 273 & Satender Kumar Antil Vs. CBI, (2021) 10 SCC 773.**

23. Application stands disposed of accordingly.

24. Copy of this order be given dasti to both the parties.

  
(Saurabh Partap Singh Laler)  
ASJ-05, New Delhi District  
Patiala House Courts, New Delhi  
11.08.2025



Addl Sessions Judge  
New Delhi District N D