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MCRC-47318-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE PRAMOD KUMAR AGRAWAL

MISC. CRIMINAL CASE No. 47318 of 2025

DR.PRAVEEN SONI

Versus

THE STATE OF MADHYA PRADESH

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Appearance:

Shri Shashank Shekhar - Senior Advocate with Shri Bhoopesh Tiwari - Advocate for applicant.

Shri Harpreet Singh Ruprah - Additional Advocate General with Shri C.M. Tiwari - Government Advocate and Shri Aakash Malpani - Advocate for State.

Shri K.K. Pandey and Shri Aditya Parashar - Advocates for objector.
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Reserved on : 02.02.2026

Pronounced on : 17.02.2026
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ORDER

This is the first application filed by the applicant under Section 483 of the BNSS, 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 of BNS and Section 27(A) of Drugs and Cosmetics Act, 1940 (for brevity, "Act of 1940"). Applicant is in detention since 05.10.2025.

2. As per the prosecution story, a complaint was lodged by the Dr. Ankit Sehlaam, Block Medical Officer, Community Health Center Parasiya vide Crime No. 296/2025 for an offence under section 105, 276 of B.N.S.



2023 along with Section 27(A) of Drugs and Cosmetics Act, 1940, which has been reported at Parasiya District Chhindwara, *inter alia* contending that the present applicant Dr. Praveen Soni has been posted as Child Specialist in Community Health Center Parasiya District Chhindwara who has prescribed certain dose of cough syrup to the children "patients", because of which some reaction took place in the kidney of those children resulting in kidney failure because of which some children died after being referred to Medical College Hospital Nagpur (Maharashtra) and the said medicine has been sold by the co-accused, who was working in M/s Apna Medical Store owned by the present applicant. On the basis of aforesaid, Police registered the case against the present applicant under the aforesaid Sections.

3. 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 05.10.2025. It is further submitted that present applicant is posted as Child Specialist in Community Health Center Parasiya, District Chhindwara. His reputation is very good in the society and he is being honoured by the local habitants at Parasiya. He is neither the manufacturer of the medicine namely "Coldriff Syrup" nor the Director nor having any role in manufacturing the alleged cough syrup. It is further submitted that applicant had no knowledge that any adulteration in manufacturing the alleged cough syrup had been done. He is not responsible for any adulteration being done by the others. It is further submitted the present applicant is prescribing the said medicine since 20 years. It is further submitted that for the faults of others, applicant cannot be prosecuted for this offence because he has not



committed this offence. It is further submitted that the alleged cough syrup was manufactured after getting valid licence. Certain formalities are required in manufacturing the drug as per the Drugs Rules, 1945 and that have been complied with and the drug/cough syrup was approved. It is further submitted that the alleged cough syrup was manufactured and sold by Sresan Pharmaceuticals Ltd. It is further submitted that when this medicine was prescribed, at that time it was not banned. The alleged medicine was first time banned on 04.10.2025. It is further submitted that the applicant is the practitioner doctor and any criminal case cannot be registered against him without enquiry. 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 Superintendent of Police that without enquiry, criminal case should not be registered against the practitioner doctor. He has also placed reliance upon the decision passed by the co-ordinate Bench of this Court in the case of *Dr. Rajesh Batra Vs. The State of M.P. and another, on 12.03.2024 in M.Cr.C. No.8190/2020*. Conclusion of trial will take considerable time. Hence, he prayed that the applicant may be granted regular bail.

4. Learned Additional Advocate General for State has submitted that applicant is posted as Child Specialist in Community Health Center Parasiya, District Chhindwara and his clinic is situated adjacent to M/s. Apna Medical Store whose proprietor is his wife Smt. Jyoti Soni who is also co-accused in this case. Present applicant has prescribed "Coldriff" cough syrup to the



children who were aged about 3-4 yeras. 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 to the children below the age of 4 years was banned. In spite thereof, the present applicant (doctor) prescribed the cough syrup which is fixed dose compound.

4.1 It is further submitted that patient Vedansh Pawar aged about 2 yeras and 5 months was suffering from fever, cold, cough and sneezing, therefore, parents of the said patient consulted Dr. Praveen Soni (present applicant herein) and he prescribed the said cough syrup. When the patient did not get any relief, then on 11.09.2025, parents of the said child took him at Nagpur where he consulted the Senior Doctor, Shri Praveen Khapekar, who runs Astha Children Hospital at Nagpur since 22 years. Doctor Praveen Khapekar examined the said child and found that child was vomiting and he was not able to pass urine and he was also facing problem in breathing. At that time, parents of the said child told him that he consulted Dr. Praveen Soni, Child Specialist posted in Community Health Center Parasiya, District Chhindwara, then Dr. Praveen Khapekar told that Dr. Praveen Soni is my



friend, and then Dr. Praveen Khapekar called Dr. Praveen Soni and talked to him in front of the parents of that child in the night of 11.09.2025, and told him that the child (patient) is suffering from severe disease. He also told Dr. Praveen Soni that in 1998 at Delhi, due to DEG-contaminated cough syrup, 33 children were died and maybe this time also, there is possibility of same reaction. It is further submitted that despite information given by Senior Doctor, Praveen Khapekar, the present applicant continued to prescribe the cough syrup. Present applicant had specific prior knowledge of an identical fatal incident, even then he continued to prescribe the said cough syrup even after cautioned by senior doctor Praveen Khapekar. In this case, this cough syrup "Coldriff" which contains toxic DEG (Diethylene Glycol) exposure, was the cause of death of more than 26 innocent children who were below the age of 4-5 years.

4.2 It is further submitted by learned AAG that applicant is the husband of Jyoti Soni (co-accused), proprietor/owner of M/s. Apna Medical Store. The present applicant used to prescribe "Nextro-PL" cough syrup, but the said cough syrup was not available in the Apna Medical Store, therefore, the co-accused used to sell "Coldriff Syrup" without the prescription. It is further submitted that when the applicant used to prescribe the alleged cough syrup then he received 10% commission on each bottle and co-accused gained profit of Rs.23/- per bottle. Hence the present applicant and co-accused received commission and profit in prescribing and selling the alleged cough syrup. They all were in collusion and every one received commission/profit as per his/her respective role. It is further submitted that



in this case, more than 26 innocent and minor children are died and this cough syrup/Coldriff Syrup caused harm in the large scale for public health. It is further submitted that when applicant came to know that children are being died due to the said medicine, then applicant alongwith the co-accused destroyed the evidence regarding cough syrup. The applicant was in contact with other co-accused persons for handling, distribution and destruction of Coldriff syrup which shows the conspiracy between them. Present applicant was also in direct contact with the manufacturer Sresan Pharamaceuticals Ltd through Medical Representative because he used to get commission.

4.3 It is further submitted that the applicant was aware that the children were developing Acute Kidney Injury after consumption of Coldriff Syrup. 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 parents of the deceased children have stated that Dr. Praveen Soni forced them to purchase the Coldriff cough syrup from his wife's medical store which is situated next to his clinic and even after repeated vomiting in the children, he continued to prescribe them the said cough syrup in a fixed dose compound. 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.

5. Learned counsel for objector has submitted that due to the administration of poisonous cough syrup prescribed by the doctor, more than



26 innocent and minor children have been died and others have suffered grievous harm, but police has registered only minor offences under the political pressure. The case should have been registered under Section 103 of BNS which relates to culpable homicide amounting to murder or causing death by an act done with knowledge of its fatal consequences. The Investigating Agency is not fairly investigating the matter. 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.

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

7. Having taken into consideration over all facts and circumstances of the case and looking to the fact that applicant is the Child Specialist Doctor



and he, despite the conversation which took place between the present applicant and senior doctor Shri Praveen Khapekar wherein Dr. Praveen Khapekar informed him that in 1998 at Delhi, due to DEG-contaminated cough syrup, 33 children were died and maybe this time also, there is possibility of same reaction, even then the applicant continued to prescribe the cough syrup, due to which, more than 26 innocent children below the age of 4-5 years have been died and the alleged cough syrup caused harm to the public health in a large scale and the fact that he also received commission for prescribing the aforesaid cough syrup and other co-accused destroyed the evidence regarding cough syrup to save the present applicant (doctor), 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); present applicant has prescribed the fixed dose compound to the children which was banned by the circular issued by the Government on 18.12.2023; the senior doctor Dr. Praveen Khapekar had informed and cautioned the applicant about the incident of 1998, wherein, due to DEG-contaminated cough syrup, 33 children were died and maybe this time also, there is possibility of same reaction, even then the applicant continued to prescribe the alleged cough syrup, hence, this is not a fit case to grant bail to the applicant.

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

9. 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)
JUDGE

Sateesh