

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s) (Criminal) No(s). 373/2026

ASHWINI KUMAR UPADHYAY

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

Date : 28-09-2026 This petition was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE JOYMALYA BAGCHI
HON'BLE MRS. JUSTICE V. MOHANA

For Petitioner(s) : Mr. Ashwini Kumar Upadhyay, Adv.
Mr. Ashwani Kumar Dubey- 1797, AOR
Mr. Nikhil Upadhyay, Adv.

For Respondent(s) :

UPON hearing the counsel the Court made the following

O R D E R

1. The petitioner has filed the instant Writ Petition in public interest seeking varied directions essentially meant to curb the manufacture and sale of spurious and adulterated drugs and drinks.

The following reliefs have been sought:

"a) direct Union and States to take apt steps to complete the investigation of fake drug cases within 03 months and trial within 01 year;

b) direct time-bound assessment and confiscation of the properties of fake drug manufacturers, sellers, financiers & their family members under the PMLA, Benami Property Act & Black Money Act;

c) direct the Union and States to formulate a SOP for search, seizure and sampling of adulterated spurious medicines; and prescribe a timeline for submission of FSL reports in fake drug cases;

d) direct the Union & States to mandatorily do the digital recording and videography of search, seizure, sampling & inventory proceedings;

e) direct Centre to frame a graded sentencing policy to ensure stringent, proportionate punishment for fake drug manufacturers & sellers;

f) direct the Law Commission of India to prepare a report suggesting the necessary changes in existing laws to prevention fake drugs;

g) direct & declare that Sentence in fake drug cases shall be consecutive;

h) pass such other orders or directions as Court deems fit & proper."

2. To substantiate the issues raised in the Writ Petition, the petitioner has highlighted the rise in manufacturing, sale, and distribution of spurious, counterfeit, and adulterated medicines, injections, and syrups across various States, allegedly resulting in large-scale casualties and severe organ damage. A reference has been made to pan-India incidents including contaminated cough syrups causing deaths of 14 children in Madhya Pradesh, inter-state fake medicine rackets in Delhi, and supply of counterfeit cancer drugs across over 90 hospitals in Bengaluru. It is claimed that over 2 lakh citizens die unnaturally, while 20 lakh citizens suffer serious illness annually due to these fake medicines.

3. According to the petitioner, the implementation of the Drugs and Cosmetics Act, 1940 is impeded by the lack of a uniform timeline and investigative standards. There is complete absence of standard operating procedures for search, seizure, digital recording, and inventory preparation.

4. Furthermore, the petitioner has contended that properties

acquired through counterfeit drug rackets ought to be confiscated under the Prevention of Money Laundering Act, 2002, Prohibition of Benami Property Transactions Act, 1988, or Black Money Act, 2015.

5. We, however, note that the petitioner has not approached the respondent-authorities before filing the instant Writ Petition. In such circumstances, where different kind of actions are statedly required to be undertaken by the respondents, we dispose of this Writ Petition, without expressing any opinion on merits, with a direction to the Registry to forward a copy of the Writ Petition to the respondent-authorities for their consideration. The petitioner undertakes to deposit the requisite copies of the paper book for the aforesaid purpose.

6. Pending application(s), if any, shall stand closed.

(NITIN TALREJA)
ASTT. REGISTRAR-cum-PS

(PREETHI DILEEP KUMAR)
DY. REGISTRAR