

IN THE CIRCUIT COURT '10' OF GHANA, ACCRA, HELD THIS THURSDAY 16<sup>TH</sup> DAY OF FEBRUARY, 2023 BEFORE HER HONOUR EVELYN E. ASAMOAH (MRS).

SUIT NO.

D2/138/2022

REPUBLIC

V.

MARY ALEMINA & 1 ANOR

CHIEF INSPR BENNEH FOR PROSECUTION  
EMMANUEL PADDY HOLDING A. A. AWUKA'S BRIEF FOR THE ACCUSED PERSONS

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## RULING

The accused persons charged with the offence of conspiracy to commit a crime to with unauthorized sale, supply and distribution of unregistered drugs contrary to Sections 23 (1) of Act and Section 118 of the Public Health Act, 2012 Act 851. They were also charged with, eleven (11) counts, of the offence of sale and supply and distribution of unregistered drugs contracting to Section 118 (1) and 129 of the Public Health Act. Prosecution witnesses alleged that the accused herein did sell, supply and distributed unregistered Insumed, Cardiline, Prostaline, Neo-Ritm, Long Jack XXXL Men Power Booster, Alpha Beast, Men's Defence Detonic Powder, Harmonica Linea Dietary Supplement, and Black Latte Reshape without lawful authority.

It is stated in the fact that on 26<sup>th</sup> November, 2021, the complainant reported to the police that she has been receiving calls on her cell phone from people

requesting for a foreign diabetes drug known as Insumed which she knew nothing about. Complainant ordered for some of the drug online and later told the police that someone had been dispatched to deliver it to her at Korle-Bu. Police laid ambush and arrested the dispatch rider together with some drugs including the said 'Insumed' diabetes drug. The rider led a team of police and personnel from Food and Drugs Authority to the office of the accused at Ritz Junction, Madina. A1 & A2 were met at the office processing some of the drugs for sale. They could not produce any certificate or document to prove registration of the drugs.

Section 118 of Act 851 states:

- (1) A person shall not manufacture, prepare, import, export, distribute, sell, supply or exhibit for sale a drug, herbal medicinal product, cosmetic, medical device or household chemical substance unless the article has been registered by the Authority.

The accused persons in their Caution Statement did not dispute the fact that they had in their custody the said drugs which they distribute to the public. They further stated that they have not registered the drugs. They asserted that they have initiated the process of registering the products.

A1 in her Caution Statement indicated " .... I have been in this service for about two (2) years .... I took delivery of the drugs including Insumed, Detonic and Cardioline which were not registered by the Food and Drugs Authority so I put in application to the Food and Drugs Authority for them to be registered so I can sell them..."

A2 in his Caution Statement also stated “ ... we have been in business for over a year now where we deliver pharmaceutical drugs for the companies .... We decided to make the necessary documentation and get approval from the Food and Drugs Authority. However, we started the distribution of drugs to prospective buyers even though we were yet to get the necessary approval and documents ...”

Food and Drugs Authority in their report (Letter – Exhibit E) stated that “the products ... have not been registered by the Authority. That authority has however received registration application from 36TY fulfilment centre for some drugs.

- PW2 during Cross-Examination stated that some people were on admission and reacted after taking the drugs. However the Diabetes Association does not sell any drugs.

Section 174 of Act 30 states:

“At the close of the evidence in support of the charge, if it appears to the court that a case is made out against the accused sufficiently to require the accused to make a defence, the court shall call on the accused to make a defence.”

It is the considered opinion of the court that a case is made out against the accused.

**(SGD)**  
**H/H EVELYN E ASAMOAH (MRS)**  
**CIRCUIT COURT JUDGE**