

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17737 of 2015

Arising Out of PS.Case No. -11 Year- 2015 Thana -PIRBAHOR District- PATNA

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Suraj Kumar, son of Late Brij Mohan Kumar, Proprietor of Sashi Blood Bank, Ashok Raj Path, Muradpur, P.S.- Pirbahore, District :Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s: Mr. Satyendra Rai & Mr. Shekhar Ojha, Advocates

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 21-09-2015 Heard learned counsel for the petitioner and learned APP

for the State.

The petitioner is apprehending his arrest in Pirbahore P.S.Case No. 11 of 2015 registered under Sections 274, 275, 276, 284, 420, 467, 468, 120B of the Indian Penal Code and Sections 27(a), 27(c), 27(d), 28-A, 28-B of the Drugs and Cosmetics Act and Section 7(i)(ii) of the E.C. Act.

Learned counsel for the petitioner submits that the prosecution against the petitioner has been initiated on the basis of an FIR registered under the Drugs and Cosmetics Act. Learned counsel for the petitioner fairly submits that the said initiation of FIR against the petitioner is wholly misconceived since no police proceeding can be initiated under Section 32 of the Drugs and

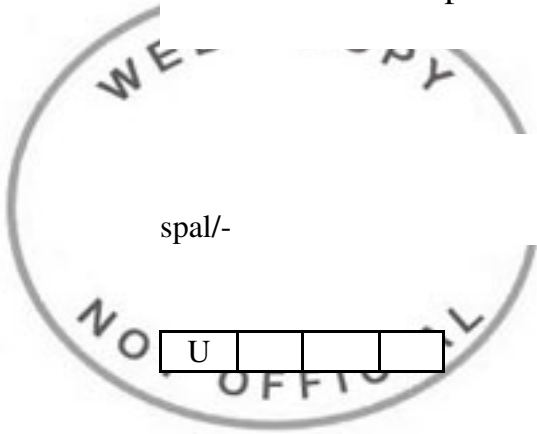


Cosmetics Act, which specifically provides that such a proceeding can be initiated only on the basis of a complaint filed by the Drug Inspector, who has been specifically notified for the said purpose. Learned counsel for the petitioner further submits that the Blood Bank of the petitioner, namely, M/s. Sashi Blood Bank, Ashok Rajpath, Patna, has been functioning as such since 1999 and even as on date the petitioner's Blood Bank has been recommended for grant of licence for the period from 1.1.2013 to 31.12.2017 vide Memo No. 1250 (B)/H, Patna, dated 13.11.2014 (Annexure-4).

Considering the fact that the petitioner has been running the business since a long time and also because of proceeding has not been initiated in accordance with the provisions of Drugs and Cosmetics Act, let the petitioner, above named, in the event of his arrest or surrender in the court below within a period of three weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each in connection with Pirbahore P.S.Case No. 11 of 2015 to the satisfaction of the Chief Judicial Magistrate, Patna, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This order is passed without prejudice to the right of the

concerned prosecuting authority, who may initiate proper proceeding against him.



(Anjana Mishra, J)

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