

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1124 of 2014

Arising Out of PS.Case No. -137 Year- 2013 Thana -Jakkanpur District- PATNA

1. Dilip Kumar s/o Bishnu Gajadhar Choudhary, resident of village Rampur Road, Police Station Bahadurpur, District Patna, proprietor of Popular Generic G-17, Mahima Palace, Govind Mitra Road, Patna

.... Petitioner/s

Versus

1. The State of Bihar
- 2.D.G.P. Prosecution, Bihar, Patna
3. The Senior Superintendent of Police, Patna
4. The Officer Incharge, Jakkanpur Police Station, Patna
5. The Drug Inspector, Patna-5

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Raghwanand, Adv.

For the Respondent/s : Mr. Utsav Kumar, A.C. to GA-11

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 17-08-2015

Heard learned counsel for the petitioner and learned counsel for the State.

The present application under Articles 226 and 227 of the Constitution of India has been filed for quashing the FIR of Jakkanpur P.S.Case No. 137 of 2013 registered under section 420 of the Indian Penal Code and sections 27(b)(ii), 27(d), 28, 28A and 28(i)(cca) of the Drug and Cosmetic Act.

Learned counsel for the petitioner submits that even if the entire allegations made in the FIR are taken to be true, no cognizable offence would be attracted against the petitioner.

On the other hand, learned counsel for the State has submitted that the investigating agency has already completed the investigation and submitted charge sheet in the case. According to him, the allegations made in the FIR clearly attract ingredients of a cognizable offence

Be that as it may, since the investigation is over and a report under section 173 of the Code of Criminal Procedure has already been submitted in the court, I am not inclined to entertain the present application. In view of the subsequent developments which took place during the pendency of the present application before this Court, it is for the Magistrate before which the charge sheet has been filed to look into the materials collected during investigation and pass appropriate orders in accordance with law.

Accordingly, the application is disposed of.

(Ashwani Kumar Singh, J)

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