

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 42209 of 2012

Arising out of P.S. Case No. -166 Year- 2010 Thana –
Pirbahore District- PATNA

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Binod Kumar S/o Late Lokeshwar Prasad Resident of Village
Dhamauli, P.S. Wena, District Nalanda, at Present Residing of 170B,
Laxmi Apartment, New Chitragupta Nagar, Kankarbagh, Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Ram Chandra Paswan S/o Not Known the Joint Secretary,
Department of Health, Government of Bihar, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudhir Kumar, Adv.

For the Opposite Party/s : Mr. R.B. Roy “Raman”, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 19-05-2015

The Petitioner seeks quashing of the entire
proceeding including the order of cognizance dated
13.10.2010 passed by the Chief Judicial Magistrate,
Patna in Pirbahore P.S. Case No. 166 of 2010.

The case of the Informant is that the accused
persons without any authority were functioning as the
President and Registrar of said Pharmacy Council. The
First Information Report has been instituted by the Joint
Secretary, Health Department, Government of Bihar,
Patna who had no authority to do so.

The submission of the Petitioner is that the
First Information Report itself is unjustified having been
instituted by the Health Department, Govt. of Bihar,

Patna which is not competent to do so.

On the last occasion, notices had been issued to the Opposite Party No. 2 but none appears on his behalf.

Having considered the nature of allegations, the entire proceeding as against all the accused persons including the order of cognizance dated 13.10.2010 passed by the Chief Judicial Magistrate, Patna in Pirbahore P.S. Case No. 166 of 2010 is, hereby, set aside.

The application stands allowed.

(Anjana Prakash, J.)

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