

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42614 of 2012

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1. Mukesh Kumar S/O Late Vijay Kumar Resident Of Mohalla- Malikana,
P.S.- Masaurhi, District- Patna, At Present Residing At Mohalla-
Mittanghat, Gurhatta, P.S.- Khajekalan, Dist.- Patna

.... Petitioner/s

Versus

1. The State Of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Shri Gopal Govind Mishra, Adv.

For the Opposite Party/s : Shri Shyam Bihari Singh (App)

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

2 16-04-2015

The petitioner figured as accused in Pirbahore

P.S. Case No.206/10, wherein offences punishable under
Sections-18A, 18B, 18C, 27B(ii), 28 and 28A of the Drugs
and Cosmetics Act were alleged. The court of 1st
Additional District & Sessions Judge, Patna took
cognizance of the same through order dated 5.7.2012.
The petitioner challenges the said order in this petition
filed under Section-482 of Cr.P.C.

Heard Shri Gopal Govind Mishra, learned
counsel for the petitioner, and Shri Shyam Bihari Singh,
learned A.P.P. for the State.

The only basis for the petitioner to challenge
the order taking cognizance of the offence is that the
entire case rests upon the statement said to have been

recorded from the driver of a tempo and that nothing was recovered from the petitioner.

This plea hardly constitutes any basis for quashing the proceedings. The question as to whether the petitioner is the owner of the goods that were seized needs to be considered in the trial. This is not the stage to pronounce upon the merits of the matter.

The petition is, accordingly, dismissed.

(L. Narasimha Reddy,CJ)

K.C.jha/-

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