

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1615 of 2016

Arising Out of PS.Case No. -216 Year- 2015 Thana -BARAHIYA District- LAKHISARAI

Ashok Pathak son of Sri Ram Nandan Pathak resident of village Tahadiya,
P.S. Barahiya, District Lakhisarai.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar @ Alok Kr Shahi

For the Opposite Party/s : Mr. Kr. Virendra Narayan(App)

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 25-02-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

Earlier case diary of the present case was called for,
which has since been received.

The petitioner apprehends his arrest in connection with
Barahiya P.S. Case No. 216 of 2015 registered for the offences
punishable under Sections 27(b) (II) and 27 (d) of the Drug and
Cosmetics Act.

Learned counsel for the petitioner submits that the
peculiar allegation has been levelled against the petitioner on the
basis of some recovery of Ayurvedic Medicine which he
admittedly, used to prepare and to supply to the needy persons. It
is further submitted such medicines are used only for treating the
patient of Arthritis (Gathiya). It is further submitted that there is

no mens rea in the said act and such medicines are supplied only to the needy persons, who come and ask for the same. There has been no complaint against the petitioner. It is further submitted that the provisions of Drug and Cosmetics Act does not attract in the present case.

Considering the aforesaid submissions, let the petitioner above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Lakhisarai in connection with Barahiya P.S. Case No. 216 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C..

(Anjana Mishra, J)

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