

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13157 of 2016

Arising Out of PS.Case No. -209 Year- 2013 Thana -PIRBAHOR District- PATNA

=====

Amit Ranjan Kumar @ Amit Ranjan son of Sri Baidyanath Prasad, resident
of Hospital Road, Masaurhi, P.S. Masaurhi, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. K.M.Joseph, Adv.

For the Opposite Party/s : Ms. Indu Kumari Srivastava (App)

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 29-06-2016 Heard both sides.

The petitioner apprehends his arrest in Pirbahore P.S.
Case No. 209/2013, registered for the offence punishable under
Sections 419, 420, 379 of the Indian Penal Code and Sections
27(b)(ii), 27(d), 28, 18(A) of Drugs and Cosmetics Act.

It is submitted that the petitioner was not apprehended at
the spot. The allegation is that the petitioner was selling medicines
without having valid license. Under the Drugs and Cosmetics Act,
1940, complaint should have been filed instead of F.I.R.

It is held by a Division Bench of this Court vide order
dated 21.01.2011 passed in Cr.W.J.C. No. 719/1998 that the F.I.R.
filed under different Sections of Drugs and Cosmetics Act is not
maintainable.

Considering the facts aforesaid, the petitioner, 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, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Patna in connection with Pirbahore P.S. Case No. 209/2013, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Jha, J.)

Vinita/-

U		T	
---	--	---	--