

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16031 of 2016

Arising Out of PS.Case No. -11 Year- 2016 Thana -LAXMIPUR District- JAMUI

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Rakesh Kumar Son of Vijay Kumar R/o Village Matia, P.S. Lakshmipur,
District Jamui

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Aditya Nr. Singh1 (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 01-07-2016 Heard both sides.

The petitioner apprehends his arrest in Lakshmipur P.S. Case No. 11/2016, registered for the offence punishable under Sections 274, 275 of the Indian Penal Code and under Sections 22(3), 27(a), 27(b) and other Sections of Drugs and Cosmetics Act and under Section 7 of Essential Commodities Act.

Drug Inspector raided M/s Raj Medical Hall and recovered many drugs. It is alleged that drugs were expired, but the petitioner was selling the same.

It is submitted that the petitioner is licensee. He has already separated the expired drugs. Nobody complained that the petitioner was selling any expired drugs to the customers. F.I.R. is not maintainable as in the Drugs and Cosmetics the complaint

petition should have been filed by the competent authority.

Considering the facts aforesaid, 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, 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 Sub-divisional Judicial Magistrate, Jamui in connection with Lakshmipur P.S. Case No. 11/2016, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Jha, J.)

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