

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1257 of 2015

Arising Out of PS.Case No. -63 Year- 2014 Thana -BEGUSARAI GRP CASE District-
BEGUSARAI

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Md. Amir Akhtar Ansari, Son of Md. Fahimuddin Ansari, Resident of
Village – Baro, Ward- 10, P.S. - Phulwaria, District - Begusarai

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Kaushal Kishor, Advocate
Mr. Dileep Kumar Singh, Advocate
For the State : Mr. Umesh Lal Verma(APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

12 02-03-2016 Heard learned counsel for the petitioner and the

learned counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in connection with Barauni Rail P.S. Case No.63 of 2014 for allegedly having committed the offence under Sections 27b(vi), 28/28A of the Drugs and Cosmetic Act, 1940 and Section 21/22 of the N.D.P.S. Act, pending as N.D.P.S. Case No.09/2014, in the court of the learned District & Sessions Judge-Cum-Special Judge, N.D.P.S., Begusarai.

Case diary in the present case was called for which has since been received.

Learned counsel for the petitioner submits that the



petitioner is not the owner of the drug shop where the raid is said to have been conducted by the Drug Inspector. It is further submitted that the petitioner is a Rural Medical Practitioner (R.M.P.) and because of his having become popular in the area, the local doctors with malicious intention have had to get the raid conducted. It is further submitted that the Drug Inspector has no power under the Act to lodge an F.I.R. in the case as there is specific bar under Section 32 of the Drugs and Cosmetic Act. Learned counsel for the petitioner further submits that a presumption has been drawn that the shop was belonging to the petitioner and that he was marketing drugs without any valid licence. It is further submitted that the seized medicines were manufactured by reputed company and there is no allegation of selling spurious or substandard drugs.

While settling the issue of law as to whether or not the Drug Inspector is entitled to lodge an F.I.R., for the purposes of bail, it is not necessary to venture into the details but suffice it to say that the issue is pending adjudication before a Division Bench.

So far as submissions of the learned counsel for the petitioner with regard to the merits of the case are concerned, paragraph 82 of the case diary has revealed that the drugs so

seized were spurious in nature as per the report submitted by the Government Analyst of the Bihar Drugs Control Laboratory, Agamkuan, Patna.

Learned counsel for the State after perusal of the case diary submits that it has come during inquiry that the petitioner as well as one Jagdish Prasad Singh was the joint owner of the Medicine shop where the raid was conducted.

Considering the aforementioned facts and circumstances and that a huge quantity of spurious drugs were recovered from the premises of the petitioner, which were being marketed without any valid licence from the competent authority, this Court is not inclined to grant anticipatory bail to the petitioner. It is, accordingly, rejected.

(Anjana Mishra, J)

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