

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.20482 of 2016

Arising out of PS.Case No. -169 Year- 2015 Thana -BHANGWANPUR HAT District- SIWAN

Shailendra Kumar Singh @ Shailendra Kumar @ Pappu Singh, Son of Late Baban Singh, resident of Village- Laheji, P.S.- Basantpur, District- Siwan.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Gajendra Kumar Singh, Advocate.

For the Opposite Party : Mr. S.D.Singh Yadav (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 27-06-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is apprehending his arrest in connection with Bhagwanpur Hat P.S. Case No. 169 of 2015 for the offences instituted under Sections 308, 420 of the IPC, 18(C)/27(b)(ii) of the Drugs and Cosmetics Act and 15(2)(b) of the Indian Medical Council Act.

As per the prosecution case, the main accusation against this petitioner is of practicing as a doctor without valid licence and also being member of conspiracy made by him and other co-accused person in respect of selling and storage of medicines in violation of the provisions of the Drugs and Cosmetics Act.

It has been submitted on behalf of the petitioner that the

petitioner has got no criminal antecedent. The petitioner has falsely been implicated in the present case. From perusal of Annexures- 2 and 3, it is evident that the petitioner is a qualified doctor in alternative medicine. As far as offence under IPC is concerned, the same is not made out. As far as case under the Drugs and Cosmetics Act is concerned, the same has wrongly been instituted by the Police Inspector which is without jurisdiction. As far as offence under the Indian Medical Council Act is concerned, the same is bailable.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail in the event of his arrest or surrender before the learned court below within a period of six weeks from today in connection with Bhagwanpur Hat P.S. Case No. 169/2015 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Siwan, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)