

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6275 of 2016

Arising Out of PS.Case No. -98 Year- 2015 Thana -CHANDRADEEP District- JAMUI

Nageshwar Prasad, S/o Late Moti Sao, Resident of Aliganj Bazar, P.S.
Chandradeep, District - Jamui

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Advocate
Mr. D.N. Diwari, Advocate

For the Opposite Party/s : Mr. Pancha Nand Pandit (APP)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 06-04-2016 Heard learned counsel for the petitioner and
learned APP for the State.

Petitioner apprehends arrest in connection with
Chandradeep P.S. Case No. 98/15 for offences alleged under
Sections 27(c), 27(d) of the Drugs and Cosmetics Act, 1940 (for
short the Act).

The prosecution case, as lodged by the informant,
is that the medical shop in the name and style of M/s Prasad
Medicine Centre was raided on 09.12.2015 and petitioner was
found with no records and alleged to have kept some physician
sample without any licence, some injections not kept in freezed
condition and thereby contravened the provisions of Section 18(c)
65(18), 65(17) and 65(4)(4) of the Act.

It has been submitted by the learned counsel for

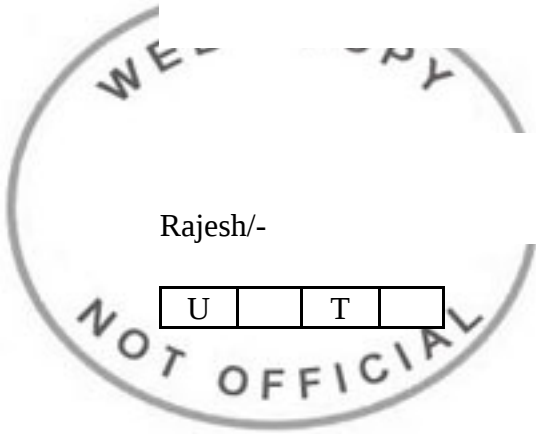


the petitioner that no case can be instituted under the provisions of the Act at the instance of a police officer as held by this Court in Cr. Misc. No. 53391 of 2007 (Prem Chandra Prasad Vs. The State of Bihar). It has further been submitted that even otherwise the samples have not gone for laboratory test, hence, the complicity of the petitioner regarding the said offence is doubtful. He further submits that this Court in Cr. Misc. No. 19998 of 2011 under order dated 28.07.2011 has taken note of the case of Prem Chandra Prasad (supra) while granting the privilege of bail. Furthermore, counsel for the petitioner submits that a Co-ordinate Bench of this Court under order dated 21.02.2012 vide Cr. Misc. No. 4736 of 2012 has also granted the privilege of bail as the item seized have not gone for laboratory test.

However, learned APP for the State submits that petitioner is named in the First Information Report and opposes the prayer for bail.

Be that as it may, let petitioner, above named, in the event of his arrest or surrender before the court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Jamui, in connection with

Chandradeep P.S. Case No. 98/15, subject to the conditions as laid
down under Section 438(2) Cr.P.C.



Rajesh/-

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(Nilu Agrawal, J.)