

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.45080 of 2016**

Arising Out of PS.Case No. -125 Year- 2016 Thana -TATARPUR District- BHAGALPUR

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Dr. Ashok Kumar Porwal @ Dr. Ashok Kr. Porwal son of Late Dr. Shiv Prasad Porwal Resident at- Flat No. 3A, Ras Bihari Apartment, Ramdas Path Laheri Tola, Police Station-Tatarpur, District-Bhagalpur

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Dr. Amarendra Kumar, Advocaate  
Mr. Rajesh Kumar Pathak, Advocate

For the Opposite Party/s : Mr. Sri Rajendra Prasad Nat, A.P.P.

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

3      26-11-2016                      Heard learned counsel for the petitioner and the learned A.P.P. for the State.

Petitioner is languishing in judicial custody since 07.09.2016 in connection with Tatarpur P.S. Case No. 125 of 2016 registered for the offence punishable under Sections 419 and 420 of the Indian Penal Code and Sections 18(C ), 27 (B)(II), 36(A)e, 18(VI) and 27(d) of the Drugs and Cosmetics Act, 1940 and 1945 (Amendment Act, 2008).

The prosecution case, as per the written report of the Drug Inspector, is that during course of raid, the informant found huge quantity of medicines being prepared having more alcohol than prescribed and that the degree of the petitioner appeared to be

forged. Further allegation is that the petitioner in the name of Aasha Homeo Diagnostic and Skin Care Centre was carrying on medical practice without any valid licence.

It has been submitted by the learned counsel for the petitioner that petitioner is in judicial custody since 07.09.2016 and has a valid licence to practice as Homeopathy Doctor and the medicines so seized were all homeopathy medicines and certain quantity of alcohol is required for preparation of the aforesaid homeopathy medicines. He further submits that the petitioner has no criminal history and that charge-sheet has already been submitted. He further submits that under the Drugs and Cosmetics Act, 1940, complaint is required to be lodged before the Magistrate, but a First Information Report has been lodged before the police, which is in violation of Section 32 of the aforesaid Act.

However, learned A.P.P. for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

From perusal of material available on record and that there is no chance of tampering with the evidence as charge-sheet has already been submitted and that petitioner's liberty on bail would not adversely affect his trial, hence, in the interest of justice, let the petitioner, above named, be enlarged on bail on

furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur in connection with Tatarpur P.S. Case No. 125 of 2016.

**(Nilu Agrawal, J.)**

Arjun/-

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