

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51369 of 2015

Arising Out of PS.Case No. -435 Year- 2014 Thana -GAYA KOTWALI District- GAYA

Ashwani Kumar son of Sri Shiv Shankar Prasad resident of - Murali Hill-
Purani Godown, Station Road, P.S- Kotwali (Town), Town & District-
Gaya

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shantanu Bhattacharjee

For the Opposite Party/s : Mr. Hirday Pd.Singh(App)

CORAM: HONOURABLE MR. JUSTICE SAMARENDRA
PRATAP SINGH
ORAL ORDER

4 01-02-2016 Heard learned counsel for the petitioner and learned
counsel appearing for the State and informant.

The petitioner apprehends his arrest in a case under various sections of Drugs & Cosmetics (Amendment) Act, 2008 as well as Section 7(a) and 7(b) of the Drugs & Magic Remedies (Objectionable Advertisement) Act, 1954, Section 2(1)(a) of the Consumers Protection Act, Section 6 of the Indecent Representation of Women (Prohibition) Act, 1986 and Section 7(1)(ii) of the Essential Commodities Act, 1955.

The petitioner submits that he is an Ayush Doctor for which he has a valid registration. He further submits that no license would be required for storing ayurvedic products. He



further submits that the law requires only filing complaint case in respect of offences covered under the Drugs & Cosmetics Act, 1940. He further submits that the offence under Section 2(1)(a) of Consumers Protection Act and Section 6 of the Indecent Representation of Women (Prohibition) Act, 1986 are bailable. He submits no case under Section 7(1)(ii) of the Essential Commodities Act, 1955 could be made out.

He next submits that more or less a similar case under Drugs & Cosmetics Act was instituted against the petitioner giving rise to Ara (Town) P.S. Case No. 33 of 2013. In the said case, he has been allowed anticipatory bail.

Learned counsel for the State opposes the prayer for bail. He submits that the petitioner showing himself to be Vaidya had stored huge quantity of artificial equipment for massaging and enhancing strength and giving better look to the private parts of the bodies.

Having regard to the fact that a police case in respect of the Drugs & Cosmetics will not be maintainable and offences under Consumers Protection Act and Indecent Representation of Women (Prohibition) Act, 1986 are bailable, the petitioner above-named shall, in the event of his arrest/surrender, be released on anticipatory bail on furnishing bail bonds of

Rs.5,000/- (Five thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya, in connection with Kotwali (Town) P.S. Case No. 435 of 2014 with the condition that he would co-operate in the trial and would not physically absent for two consecutive dates at a stretch till charges are framed.

This anticipatory bail application shall stand allowed in terms of the above observations and directions.

(Samarendra Pratap Singh, J)

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