

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3708 of 2016

Arising Out of PS.Case No. -446 Year- 2015 Thana -KUDHNI District- MUZAFFARPUR

Arjun Sah, son of Kishuni Sah, resident of Village- Thatian, Police Station- Kudhani, District- Muzaffarpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

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

For the Opposite Party : Mr. Sanjay Kr.Panday(APP)

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 08-02-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is in custody since 10.12.2015 in connection with Kudhani P.S. Case No.446/2015 for the offence punishable under Sections 419, 420, 276, 467 and 468 of the Indian Penal Code.

Learned counsel for the petitioner submits that there is no shop having been run the name of the petitioner. The licence has been issued in the name of co-accused Sunil Kumar Sah, who had been running the same under a valid licence issued from State authority. Learned counsel further submits that the petitioner has been taken into custody for violating the provision for Drugs and Cosmetics Act. It is further submitted that the petitioner was uncle of co-accused Sunil Kumar Sah, who had gone to take lunch and

the petitioner has nothing to do with the said medical store save and except he is the owner of that house in which the medical store was running. He further submits that there is no allegation against the petitioner of having prescribed or directed any drug in the capacity of Rural Medical Practicener. He further submits that the Section of 28, 28A, and 27 of Drugs and Cosmetics Act are bailable whereas Section 27(b) II of Drugs Act is not applicable in the case of petitioner because neither the petitioner manufacture nor sells the drugs nor he is dealing the medicine. He further submits that the F.I.R. is also not maintainable as the Drug Inspector is not entitled to file an F.I.R. under the relevant provision of the Act.

Considering the nature of allegation made in the F.I.R and also that the petitioner is not registered manufacturer or seller or dealer in terms and inconsonance with the provision of the Act, let the petitioner above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rs. Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri S.K.Jha, Judicial Magistrate, Muzaffarpur in connection with Kudhani P.S. Case No. 446/2015.

(Anjana Mishra, J.)

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