

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12299 of 2016

Arising Out of PS.Case No. -233 Year- 2015 Thana -LAXMIPUR District- JAMUI
=====

Manoj Kumar, son of late Shreedhar Prasad, resident of village-Laxmipur,
PS-PO-Laxmipur, District-Jamui

.... Petitioner/s

Versus

The State of Bihar

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

Appearance :

For the Petitioner/s : Mr. N.K.Agarwal, Sr. Advocate
Mr. Upendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. B.M.P. Mehta, APP
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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 18-04-2016 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in connection with Laxmipur P.S. Case No. 233 of 2015 registered for the offences punishable under Sections 27(d), 27(c) and 22(3) of Drugs and Cosmetics Act, 1940, and Rule 65(4)(4), 65(4)(3), and 64(1).

Learned counsel for the petitioner submits that the petitioner is a licensee druggist functioning and conducting his business by the name of Mayur Medical Hall, Laxmipur. The allegation against the petitioner is that during the course of the raid and at his unauthorized godown, certain drugs were found for which he was not having license under the provisions of the Act and therefore, a case was registered against him under

Sections 27(d), 27(c) and 22(3) of Drugs and Cosmetics Act, 1940 read with Rule 65(4)(4), 65(4)(3), and 64(1). It is further submitted that as per the provisions of the Act, the proper procedure has not been followed in the present case and the case has been registered by way of F.I.R. The entire proceeding becomes illegal and entitles the petitioner to the privilege of pre-arrest bail. The proceeding thus initiated is contrary to the mandate of law and the manner in which the raid has been conducted is thus vitiated. The petitioner has no such case pending against him of similar nature also entitles the petitioner for consideration of his application for pre-arrest bail.

Considering the aforementioned facts and circumstances, let the petitioner, in the event of his arrest / surrender within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the each amount to the satisfaction of the learned Judicial Magistrate, 1st Class, Jamui in connection with Laxmipur P.S. Case No. 233 of 2015, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Anjana Mishra, J)

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