

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29691 of 2016

Arising Out of PS.Case No. -79 Year- 2016 Thana -BUNIADGANJ District- GAYA

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Mithilesh Kumar @ Mithlesh Kumar, Son of Amrendra Kumar, Resident
of Mohalla - Manpur Dak Khana Lane, P.S. - Buniadganj, District -Gaya.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Binod Kumar 2, A.P.P.

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

3 27-10-2016 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 419, 420, 467, 468, 120
(B) of the Indian Penal Code and Section 36AC, 27 (b), 27 (c), 25
A, 28 and 28 B of Drugs Act.

It is contended on behalf of the petitioner that he is
manufacturer of drugs for veterinary use. As per allegation,
Oxytocin drugs were seized from the premises of factory of the
petitioner. It is alleged in the FIR that samples were not having
M.R. Price or date of manufacturing or date of expiry etc. and the
petitioner did not have any valid licence. It is urged on behalf of
the petitioner that he had applied for renewal of licence on
13.02.2013 itself but no decision has been taken as yet. Proviso to



Rule 77 of Drugs and Cosmetics Rules, 1945 lays down in clear terms that if the application for the renewal of a licence is made before its expiry, or if the application is made within six months after its expiry, after payment of additional fee, the licence shall continue to be in force until orders are passed on the application and the licence shall be deemed to have expired if the application for its renewal is not made within six months of its expiry. The petitioner at the strength of Annexure-2, which is a letter written by the competent authority showing that his licence was renewed from 1.01.2008 to 31.12.2012, submits that, vide Annexure-3, *challans* etc. were submitted for renewal of his licence and an application was duly made under Form 27 for that purpose on 27.02.2013 itself, but no decision has been taken as yet. Therefore, it has to be assumed that the petitioner was having a valid licence when the raid was conducted.

So far the stickers/labels showing date of manufacturing and expiry etc. are concerned, it is contended that the petitioner is manufacturer and when the raid was conducted, the same was under process.

Having regard to the facts and circumstances of the case, let the petitioner, above-named, be released on bail in the event of his arrest/surrender before the court below within a

period of six weeks from today in connection with Buniyadganj P.S. Case No.79/2016, on furnishing bail bond of Rs.10,000 (Ten Thousand Rupees) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Gaya subject to the conditions as laid down under sub-section (2) of Section 438 of the Code of Criminal Procedure.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

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