

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45475 of 2016

Arising Out of PS.Case No. -113 Year- 2016 Thana -ROSHANGAANJ District- GAYA

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1. Panna Lal Verma Son of Sri Yatan Das @ Jetan Das Resident of village -
Jondhi PS - Bankey Bazar, District - Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bajarangi Lal

For the Opposite Party/s : Mr. Ajit Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 16-12-2016 Heard learned counsel for the petitioner as well as

learned A.P.P. for the State.

This application is for grant of anticipatory bail for the
offence under Sections 27 (b) (ii) and 27 (d) of the Drugs and
Cosmetics Act, 1940.

It has been submitted on behalf of the petitioner that the
petitioner is a registered Rural Medical Practitioner and Member
of Medicare and Rural Dental Practitioners Welfare Council,
Patna being a medical practitioner and the physician samples were
incidental to his clinic practice, which he never uses to sell rather
he distributes the same among the local people, as per need. It has
further been submitted that the FIR has been registered under the
Drugs and Cosmetics Act and the same is wholly misconceived



since under Section 32 of the Drugs and Cosmetics Act prosecution can be instituted by the Drug Inspector or any person aggrieved by filing complaint before a competent court and the police has no jurisdiction to registered FIR and to investigate the offence under the Act. He places reliance on a judgment passed by this court in the case of Hindustan Lever Limited Vs. State of Bihar and others, since reported in 1977 (1) BLJ 899 and also a judgment of this court dated 12.04.2013, passed in Criminal Writ No.110 of 2013 in the case of M/S Torque Pharmaceuticals Pvt. Ltd. and anther Vs. the State of Bihar and others, stating therein, that the police has no jurisdiction to register First Information Report and investigate the offence under the said Act. He also places reliance on an order dated 02.03.2016, passed by this Court in Cr. Misc. No.8900 of 2016.

Heard learned A.P.P. also.

Having heard both sides and in view of the facts as stated above as well as there is no specific allegation against the petitioners, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of six weeks, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of CJM, Gaya in connection with Rausanganj (Bankey



Bazar) P.S.Case No.113 of 2016, subject to conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Vinod Kumar Sinha, J)

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