

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46986 of 2013

Arising Out of PS.Case No. -22 Year- 2010 Thana -GAYA KOTWALI District- GAYA

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Vikash Kumar Son of Sri Prabhu Chand, Resident of Mohalla - Kiranighat,
P.S.- Kotwali, District - Gaya

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ashutosh Singh

For the Opposite Party/s : Mr. Nand Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

5 15-07-2016 Heard Sri Ashutosh Singh, learned counsel for the

petitioner and Sri Nand Kumar, learned Addl. Public Prosecutor.

The sole petitioner, invoking inherent jurisdiction under Section 482 of the Code of Criminal Procedure, has prayed for quashing of an order dated 18.06.2013 passed by the learned Sub Divisional Judicial Magistrate, Gaya in Tr.No. 1137/13 arising out of Kotwali P.S. Case no. 22/2010 registered for the offence under Section 420 of the Indian Penal Code and Sections 27A, 28, 28A, 27(6) (II), 27(d) of the Drugs and Cosmetics (Amendment) Act. By the said order, the learned Magistrate has rejected the petition filed for discharge on behalf of the petitioner under Section 239 of the Code of Criminal Procedure.

It was submitted by learned counsel for the

petitioner that for the offence alleged under the provision of Drugs and Cosmetics Act, only complaint was required to be filed, whereas F.I.R. has been lodged.

Learned Addl. Public Prosecutor, opposing the prayer of the petitioner, submits that in the present case, there is allegation of offence under Section 420 of the Indian Penal Code. Besides this, the provision under the Drugs and Cosmetics Act has also been violated and, as such, F.I.R. was lodged against the petitioner. He further submits that on going through the case diary, it is event that the petitioner was arrested at the spot itself.

Besides hearing learned counsel for the parties, I have also perused the materials available on record. I do not find any ground to interfere with the impugned order. The petition stands dismissed.

(Rakesh Kumar, J)

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