

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.344 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- PATNA

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1. Anil Kumar, Son of Kailash Lal, Proprietor of Saraswati Pharma,
2. Ranjit Kumar @ Ranjit Kumar Baranwal, Son of Sri Shiv Shankar Lal,
Proprietor of Yash Raj Enterprises, both R.C. Palace, Govind Mitra Road, P.O.-
Bankipur, P.S. Pirbahore, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Nayan

For the Respondent/s : Mr. R. B. Roy 'Raman'

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

JUDGMENT AND ORDER

ORAL

Date: 16-05-2017

Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor representing the State.

2. This application has been filed against the
order, dated 06.03.2017, passed, by learned Sessions Judge,
Patna, in Special Case No. 104 of 2016, arising out of
Pirbahore Police Station Case No. 325 of 2016, registered for
the offences punishable under Sections 419/420/467/468/
274/275/276/120B of the Indian Penal Code, Sections 27(B)
II/27(d)/28/28A/27(C) of the Drugs and Cosmetics
(amendment) Act, 2008, and Section 22 (b) of the Narcotic
Drugs and Psychotropic Substances Act.

3. From the impugned order, I find that the
learned Sessions Judge, Patna, has rejected the petitioners'



prayer for release of the medicines in connection with the aforesaid criminal case only because the report of the Drug Inspector was not available.

4. A counter affidavit has been filed on behalf of the Health Department, Government of Bihar, sworn by the Drug Inspector, stating specifically in paragraph 9 that seven invoices with regard to the medicines purchased by the petitioners, bearing numbers 188, 189, 191, 192, 194, 195 and 197 were sent to the Drug Inspector, Gaya, for verification, who, in turn, verified the aforesaid invoices of 07.05.2017, and found them to be correct.

5. In view of the specific stand taken on behalf of the State of Bihar, this application is allowed and the impugned order, dated 06.03.2017, is set aside.

6. Let the medicines purchased by the petitioner, bearing the said invoice numbers, as described in paragraph 9 of the counter affidavit, be released by the Court below, subject to the due verification and security to the satisfaction of the learned Court below.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	17.05.2017
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