

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46526 of 2014

Arising Out of PS.Case No. -26 Year- 2012 Thana -MUZFFARPUR COMPLAINT CASE District-
MUZAFFARPUR

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Bharat Prasad Singh Son of Late Chandrika Singh Resident of Balu Ghat (Near
Jangli Mai Asthan), P.S. - Town (Muzaffarpur), District - Muzaffarpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Manendra Kumar Sinha, Advocate

For the Opposite Party/s : Mr. B.M.P. Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT

Date: 01-11-2017

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Order taking cognizance has been passed by learned Chief
Judicial Magistrate, Muzaffarpur in Complaint Case No. C-26/2012/Tr.
No. 3927/2012 under Section 27(a), 27(b)(ii) and 27(d) of the Drugs
and Cosmetics Act, 1940.

Submission of learned counsel for the petitioner is that for
the same allegation earlier a First Information Report was lodged by
the Drug Inspector, but, in course of investigation in the said case, no
material could be collected, and for that reason, he was released from
custody. The petitioner has not been sent up for trial in the said police
case.

On the other hand, learned counsel representing the State
submits that by virtue of Section 32 of the Drugs and Cosmetics Act,
1940, the offences alleged have been rightly brought before the court of
learned Chief Judicial Magistrate, Muzaffarpur, by way of complaint



petition and the learned Chief Judicial Magistrate, Muzaffarpur, being *prima facie* satisfied with the allegation constituting the offence alleged under Section 27(a), 27(b)(ii) and 27(d) of the Drugs and Cosmetics Act, 1940, has taken cognizance. No infirmity or illegality may be found with the said order at this stage.

Having considered the rival submission, this court is of the considered opinion that the complaint case filed by the Drug Inspector is in accordance with Section 32 of the Drugs and Cosmetics Act, 1940 and the cognizance has been taken by the learned Chief Judicial Magistrate, Muzaffarpur on the basis of the prosecution report submitted by the Drug Inspector, who is competent to file the complaint case, no illegality may be found with the same.

This application has no merit. It is dismissed.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

AFR/NAFR	NAFR
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