

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23194 of 2017

Arising Out of PS.Case No. -195 Year- 2016 Thana -DARBHANGA District- DARBHANGA

=====

1. Umesh Prasad Sah, son of Sri Parmeshwar Sah, resident of Mohalla-
Sahsupan (Urdu Bazar), P.S.- Laheriasarai, District- Darbhanga.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner : Mr. Manish Kumar no. 13, Adv.

For the Opposite Party : Mr. Akhileshwar Dayal, APP 74

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 05-07-2017 Heard the learned counsel for the petitioner and the
State.

This is a petition for grant of anticipatory bail for
offence under Sections 21(b)(c and 22(b)(c) of the Narcotic Drugs
and Psychotropic Substances Act, 1985.

From the possession of co-accused, Md. Prince @
Md. Ejaz Ali, corex etc. were recovered. Md. Prince @ Md. Ejaz
Ali, disclosed to the police that he has purchased the same from
Indian Medicine Shop and M.S. Medicine Shop and the petitioner
is proprietor of Indian Medicine Shop and it is not specific as to
which drug was purchased from Indian Medicine Shop of which
the petitioner is proprietor.

Submission of the learned counsel for the petitioner
is that the criminal prosecution is itself bad in laws as the
informant, who is a police officer is not competent to institute
prosecution in view of the bar under Section 32 of the Drugs and
Cosmetics Act. More over, the case diary would reveal that
neither the shop of the petitioner was raided nor there is specific
allegation that which of the spurious or misbranded medicine was



being sold by the petitioner.

Considering the aforesaid fact that there is no substantial material, let the petitioner, above named, in the event of his arrest or surrender, within four weeks from the date of receipt of this order, be released on anticipatory bail on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) with two sureties of the like amount each in connection with **Darbhanga Town P.S. Case No. 195 of 2016** (G.O. Case No. 21 of 2016) to the satisfaction of the **Additional Sessions Judge I-cum-Special Judge, Darbhanga**, or successor Court, subject to the condition laid down under Section 438(2) of the Criminal Procedure Code.

(Birendra Kumar, J)

SA/-

U	√	T	√
---	---	---	---

