

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47570 of 2016

Arising Out of PS.Case No. -2 Year- 2016 Thana -MADANPUR District- AURANGABAD

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1. Dr. Mukesh Kumar Son of Sri Jai Narayan Sah. Resident of Village- Rasoolpur Daood, P.S.- Goraul, District- Vaishali (Bihar), At present residing at Gandhi Nagar, Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vasant Vikas

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 10-01-2017 Heard learned counsel for the petitioner and learned A.P.P. representing the State.

The petitioner apprehends his arrest in connection with Madanpur P.S. Case No.2 of 2016 registered for the offences punishable under Sections 447/420/273/274/276/328/34 of the Indian Penal Code and Section 28/28(A)/27(b)(ii)/27(d) of the Drugs and Cosmetics(Amendment) Act, 2008.

Allegedly, the petitioner was treating the patients and distributing medicines at Rajiv Gandhi Sewa Kendra(MANREGA Building). The petitioner did not show any paper and fled away whereas his three associates were caught.

Submission is of false implication that the petitioner is a



trained Ayurvedic practitioner and promoter by ‘The International Council of Ayurveda’ and he is authorized to promote the use of Ayurvedic medicine vide Annexure 2. The medicines seized are all Ayurvedic preparations. No offences under Sections 28, 28(A), 27(b)(ii), 27(d) of the Drugs and Cosmetics(Amendment) Act, 2008 are made out as the drugs seized are Ayurvedic preparations. No offence as alleged is made out. No drugs license is required to sell any of the Ayurvedic preparations medicine vide Annexure 3 series. Three other co-accused, who were caught, have already been allowed regular bail by Additional District & Sessions Judge IV, Aurangabad vide B.P. No.67 of 2016/28 of 2016 and as such, the petitioner also deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of bail.

In the facts and circumstances stated above, considering that the petitioner has been authorized to promote the Ayurvedic medicine for healthy life by “The International Council of Ayurveda” and further no license is required to sell Ayurvedic medicine as per Annexure 3 and as such, the petitioner named above, in case of his arrest or surrender within four weeks from the date of receipt of production of copy of this order, shall be released on bail on execution of bail bond of Rs.10,000/-(ten thousand) with two sureties of like amount each to the satisfaction



of learned Additional Chief Judicial Magistrate, Aurangabad in connection with Madanpur P.S. Case No.2 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Jitendra Mohan Sharma, J)

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