

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.36815 of 2013

Arising Out of PS.Case No. -138 Year- 2012 Thana -LAHERIMUHALLA District- NALANDA
(BIHARSHARIFF)

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1. Vijay Kumar Bharti Son Of Shri Krishna Dev Prasad Resident Of Mai, Police Station Harnaut, District Nalanda, At Present Sudhata Kumari, W/O Vijay Kumar Bhati, Resident Of Mohalla Mangala Asthan Behind Of Ram Chandrapur Bus Stand, Police Station Laheri, District Nalanda

.... Petitioner/s

Versus

1. The State Of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh
For the Opposite Party/s : Mr. Mayanand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

CAV JUDGMENT

Date: 10-05-2017

Heard learned counsel for the parties.

Petitioner, by means of this application under section 482 of the Code of Criminal Procedure, have invoked the inherent jurisdiction of this Court with prayer to quash the order dated 30.12.2012, passed by Chief Judicial Magistrate, Nalanda at Biharsharif, in Laheri P.S. Case No. 138 of 2012, G.R. No. 1950 of 2012, whereby cognizance has been taken against the petitioners for the offences under sections 18(c), 27(b), (ii), 18(a), 28, 28(a) of the Drugs and Cosmetics Act, 1940.

The contention of the learned counsel for the petitioner is that after the prosecution was launched on the complaint of a Drug



Inspector but investigation of the case was carried out by the police which was against the provisions of Section 22(i) of the Act. Learned counsel has relied upon a Division Bench decision of this Court dated 21.01.2011 passed in Cr. W.J.C. No. 719 of 1998 and 808 of 1998 on the said point.

In view of express adjudication of this issue, the application is allowed and the order taking cognizance dated 30.12.2012 passed by the Chief Judicial Magistrate, Nalanda at Biharsharif in G.R. No. 1950 of 2012 arising out of Laheri P.S. Case No. 138 of 2012 is, hereby quashed.

The application accordingly stands allowed.

(Arvind Srivastava, J)

Manish/-

AFR/NAFR	AFR
CAV DATE	04.04.2017
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