

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20196 of 2017

Arising Out of PS.Case No. -689 Year- 2016 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

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1. Bharat Bhushan Jain Son of Manik Chand Jain Resident of Mohalla-
Raghunath Sahay Lane, Chunihari tola, Post- Bhagalpur, P.S.- Kotwali,
District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Mritunjay Narain

For the Opposite Party/s : Mr. Sri Atul Chandra

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

3 05-06-2017 Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in connection with Kotwali P.S.Case no. 689 of 2016 for the offences under Sections 419, 420, 120(B) of the Indian Penal Code and 27(B)(ii), 27 (C) of Drugs and Cosmetics Act, 1940.

Counsel for the petitioner has submitted that for violation of the provision of Drugs and Cosmetics Act, prosecution can be instituted by Drug Inspector or by any person aggrieved by filing complaint before a competent court and lodging of FIR with regard to any offence under Drugs and Cosmetics Act, 1940 is not maintainable. He has referred a judgment of this Court reported in 1997 BLJ 899 (Hindustan lever Ltd. V. State of Bihar & others)



and an unreported judgment of this Court passed in Cr.W.J.C.No. 710 of 1998 and analogous case dated 21.01.2011 (Shankar Kumar Ghosh-v- State of Bihar & anr.). In addition thereto it is submitted that making crepe bandage does not come within the purview of Drugs and Cosmetics Act, 1940. In para 3 of the petition, a statement has been made that the petitioner has clean antecedent.

In view of the facts and circumstances of the case, mentioned above, let the above named petitioner, in the event of his arrest/surrender in the court below within a period of four weeks from the date of receipt/production of a copy of this order be released on bail on furnishing bail bond of Rs. 10,000/(ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in Kotwali P.S.Case No. 689 of 2016,subject to the conditions as laid down u/s 438(2) Cr.P.C.

(Anil Kumar Upadhyay, J)

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