

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42025 of 2017

Arising Out of PS.Case No. -116 Year- 2015 Thana -PIYAR District- MUZAFFARPUR

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Dr. Shyam Kumar @ Shyam Kumar, son of Hari Kishore Prasad, resident
of village- Harsighpur, Lautan, P.S.- Sakara, District- Muzaffarpur.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Vikramdeo Singh, Advocate
Mr. Ram Naresh Singh, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 21-09-2017 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The petitioner seeks pre-arrest bail in connection
with Piar P. S. Case No. 116 of 2015 (G.R. No. 07 of 2015)
registered under Sections 420, 467, 468 and 469 of the Indian
Penal Code and 27(b)(ii)/28 of Drugs and Cosmetics Act.

Allegation against the petitioner, in brief, is that
pretending himself to be a doctor having MBBS (Hons)
Qualification, the petitioner was practicing in allopathic
medicines and had stored huge quantity of medicines including
prohibited medicines without any licence in his clinic.

A plea of innocence has been taken by the



petitioner. It has been contended that the petitioner was having a degree in Ayurvedic and Unani medicine and, thus, he was authorized in law to prescribe allopathic medicines. The drugs alleged to have been seized from the clinic were neither expired nor spurious and were kept in good faith for providing the same to the ailing patients.

The learned Additional Public Prosecutor for the State has opposed the prayer for bail. He has submitted that the petitioner was found playing with the life of the patients. He had got printed MBBS (Hons) over the prescription, which degree admittedly the petitioner does not possess.

Considering the facts and circumstances of the case, I am not inclined to grant pre-arrest bail to the petitioner. Accordingly, the application is rejected.

In case the petitioner surrenders and seeks bail, the same shall be considered on its own merit without being prejudiced in any manner by this order.

(Ashwani Kumar Singh, J.)

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