

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.10084 of 2018**

Arising Out of PS.Case No. -18 Year- 2018 Thana -SAHARSA District- SAHARSA

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Rajesh Kumar, S/o Ramchandra Bhagat, R/o Mir Tola, P.S.- Saharsa,  
District- Saharsa.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. N.K.Agrawal, Sr. Advocate.  
Mr. Dhananjaya Nath Tiwari  
Mr. Saket Tiwari, Advocate.

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan

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**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR**  
**ORAL ORDER**

2      21-02-2018      Heard learned counsels for the petitioner and the State.

The petitioner, already in custody, seeks bail in connection with Sadar Saharsa P.S.Case No. 18 of 2018 registered under Sections 13, 18, 27(A), 28 and 36(AC) of the Drugs and Cosmetics Act, 1940.

Allegation in brief is that police raided a medical shop named as Rajesh Medical Hall and seized number of cartoons containing cough syrup of Codin Phosphate and Chlorpheniramine Maleate Syrup of different medicine firms besides other medicines, no paper was produced by the owner of the shop regarding purchase of those medicines, so it is alleged that keeping medicines without any license is an offence.

Submission is that petitioner is not the owner and licensee



of Rajesh Medical Hall rather license is in the name of his father and these medicines were validly purchased. It is also submitted that the Division Bench of this Court has decided and held that under the Drugs and Cosmetic Act only complaint may be filed however that is referred to Full Bench moreover petitioner is in custody for one and half months and has no criminal antecedent.

Having considered the aforesaid facts and circumstances, the petitioner, namely, Rajesh Kumar, is directed to be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned 1<sup>st</sup> Addl. Sessions Judge-cum-Special Judge, Saharsa in connection with Sadar Saharsa P.S. Case No. 18 of 2018 with condition that petitioner shall remain present before the court below and in absence of two consecutive dates without any reasonable cause his bail bond shall be liable to be cancelled.

**(Arun Kumar, J)**

Sujit/-

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