

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33311 of 2018

Arising Out of PS.Case No. -238 Year- 2018 Thana -BUXAR District- BUXAR

- =====
1. Deepak Kumar Agrawal @ Dipak Agrawal, Son of Late Gopi Prasad Agrawal, Resident of Mohalla- Sarswati Pustakalaya Road, P.S.- Buxar (Town) District- Buxar.
 2. Praveen Kumar Agrawal, Son of Late Gopi Prasad Agrawal, Resident of Mohalla- Sarswati Pustakalaya Road, P.S.- Buxar (Town) District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

with

Criminal Miscellaneous No.33388 of 2018

Arising Out of PS.Case No. -238 Year- 2018 Thana -BUXAR District- BUXAR

- =====
1. Chandan Bharti S/o Sri Bihari Lal Keshri, R/o Mohalla- Yamuna Chowk, Buxar, P.S.- Buxar (T), District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.33311 of 2018)

For the Petitioner/s : Mr. Manendra Kumar Sinha

For the Opposite Party/s : Mr. Smt. Rita Verma

(In Cr.Misc. No.33388 of 2018)

For the Petitioner/s : Mr. Shree Kant Pandey

For the Opposite Party/s : Mr. Sri Satyendra Prasad

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 05-07-2018 Heard the learned counsels for all the petitioner and counsels appearing on behalf of the State.

The petitioner is in custody since 10.05.2018 in connection with Buxar (T) P.S. Case No.238 of 2018, registered under



Sections 420, 274, 276, 467, 468/120(B) of the Indian Penal Code read with under Section 27(C), 28(A), 27(B)(D) of Drugs & Cosmetic Act and also under Section 63, 64 of Copy Rights Act and also under Section 103, 104 of Trade Marks Act.

The learned counsel for the petitioner submits that the entire prosecution against two petitioners is against the settled principle of law inasmuch as the present case has been lodged against the petitioners by a private person which is wholly unsustainable under the Drugs and Cosmetic Act. It is further submitted that this Court has held in many cases in the past that no case under the Drugs and Cosmetic Acts can be instituted by any person other than the Drug Inspector and that too the same can be done only by way of complaint petition.

In view of the settled principle of law, it is submitted that the present prosecution and custody of the petitioner are wholly illegal and they deserve to be released on bail forthwith.

Considering the aforementioned submissions advanced on behalf of the petitioner in both the cases, let all the petitioners (1) Deepak Kumar Agrawal @ Dipak Agrawal (2) Praveen Kumar Agrawal (both are Cr. Misc. No.33311 of 2018) and (3) Chandan Bharti (Cr. Misc. No.33388 of 2018) are directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each



with two sureties of the like amount each to the satisfaction of the
learned A.D.J.Ist, Buxar in connection with Buxar (T) P.S. Case
No.238 of 2018

(Anjana Mishra, J)

Sanjeev/-

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