

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52428 of 2018

Arising Out of PS.Case No. -233 Year- 2018 Thana -PIRBAHOR District- PATNA

=====

Vikash Kumar, S/o Late Suresh Kumar, R/o Deep Nagar Gulzarbagh, P.S.-
Mehadiganj, District- Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ram Shankar Das

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary 1

=====

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

2 28-08-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the
offence punishable under Sections 420, 467, 468, 274, 275, 276
and 120B of the Indian Penal Code and Sections 27(c), 28, 28(A),
27(b)(ii) and 27(d) of the Drugs and Cosmetic Act 2008.

Huge quantity of counterfeit medicines is said to
have been recovered from three firms including M/s Aman
Distributors at the instance of Md. Mustafa Hussain. Petitioner is
said to be the employee of the aforesaid firm namely M/s Aman
Distributors. Co-accused Dipu Paswan is said to have purchased
the aforesaid medicine from the petitioner who had purchased it
from Sameer Sharma.



It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the conscious physical possession of the petitioner. He has no concern with the seized medicine. He happens to be the employee of M/s Aman Distributors and had no knowledge of keeping of the counterfeit medicines in the said firm. He had never vended any counterfeit medicine to Dipu Paswan. He has been falsely implicated in the case by Md. Mustafa Hussain who is habitual offender and a case under Drugs and Cosmetic Act has been lodged against him. It is further submitted that under Drugs and Cosmetic Act, no F.I.R. can be lodged and present case instituted on the basis of the F.I.R. is beyond jurisdiction and not entertainable as the police has no power to register an F.I.R. under the Drugs and Cosmetic Act and to investigate the same and submit chargesheet. Petitioner has no criminal antecedent. He has been languishing in custody since 22.04.2018. Co-accused Manjit Kumar has been enlarged on anticipatory bail by a co-ordinate bench of this Court and Harminder Singh and Sameer Sharma have been enlarged on regular bail by a co-ordinate bench of this court vide order dated 06.07.2018 and 10.08.2018 passed in Cr. Misc. Nos. 36279 of 2018 and 46633 of 2018.



Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Patna in connection with Pirbahore P.S. Case No. 233 of 2018.

(Prakash Chandra Jaiswal, J)

Mishra/-

U		T	
---	--	---	--

