

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54450 of 2018

Arising Out of PS. Case No.-185 Year-2018 Thana- DHAMDAHA District- Purnia

Rajesh Ranjan Singh Son of late Laxmi Narayan Singh Proprietor of M/S Mishel Medical Agency Resident of Village- Damdaha South, P.S. Dhamdaha, District- Purnia.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K.Agrawal, Sr. Advocate
		Mr. Kumar Praveen, Advocate
		Ms. Preety Kumar, Advocate
For the Opposite Party/s	:	Mr. Md. Sufiyan, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 13-12-2018 Heard counsel for the petitioner and counsel appearing on behalf of the State.

The petitioner is apprehending arrest in connection with Dhamdaha P.S. Case No. 185 of 2018 (GR No. 2443/2018) for offences under Sections 420 of the Indian Penal Code and 27(b)(ii), 28 and 28(B) of the Drugs and Cosmetics Act, 1940.

Mr. Nawal Kishore Agrawal, learned senior counsel appearing on behalf of the petitioner would submit that the petitioner is proprietor of M/s Mishel Medical Agency and on the basis of so called raid in the godown which is adjacent to the shop of the petitioner, the present case has been lodged.



At the very outset he submits that for offence under the Drugs and Cosmetics Act requirement is that a complaint should have been filed and in that view of the matter, the present prosecution by way of FIR is totally without jurisdiction. He submits that the petitioner has no criminal antecedent. Referring to the allegation part he submits that allegation against the petitioner is vague and not specific.

Learned counsel for the State has not been able to controvert the aforesaid submission which is well founded.

Considering the aforesaid, let the petitioner, above named, in the event of arrest or surrender within four weeks from today, 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 the Chief Judicial Magistrate, Purnea in connection with Dhamdaha P.S. Case No. 185 of 2018 (GR No. 2443/2018), subject to the conditions as laid down under Section 438(2) Cr. P. C.

(Anil Kumar Upadhyay, J)

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