

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34152 of 2018

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

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Abhishek Keshari @ Abhishek Kumar Keshari S/o Sri Krishna Prasad
Keshari, R/o Vill./Mohalla- Yamuna Chauk , Ward No.30, Buxar, P.S.-
Buxar (Town), District- Buxar (Bihar).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Rakesh Kumar

For the Opposite Party/s : Smt. Rita Verma

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 23-07-2018 Heard the learned counsel for the petitioner and

counsel appearing on behalf of the State.

The petitioner is in custody since 10.05.2018 in connection with Drug & Cosmetic Case No. 03 of 2018 arising out of Buxar (Town) P.S. Case No. 238 of 2018, registered under Sections 420, 274, 276, 467, 468/120(b) of the Indian Penal Code read with Section 27(C), 28(A), 27(B)(D) of the Drugs & Cosmetic Act, under Sections 63 and 64 of the Copy Right Act and also under Section 103 and 104 of the Trade Marks Act.

The learned counsel for the petitioner submits that the entire prosecution against the petitioner is against the settled principle of law inasmuch as the present case has been lodged against the petitioner 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 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 the petitioner deserves to be released on bail forthwith. It is further submitted that the similarly situated co-accused persons have already been granted bail by a coordinate Bench of this Court by order dated 05.07.2018 passed in Criminal Misc. No. 33311 of 2018.

Considering the aforementioned submissions advanced on behalf of the petitioner, let the petitioner, above named, be 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 Additional Sessions Judge-1st, Buxar in connection with Drug & Cosmetic Case No. 03 of 2018 arising out of Buxar (Town) P.S. Case No. 238 of 2018.

(Mohit Kumar Shah, J)

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