

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55435 of 2018

Arising Out of PS. Case No.-267 Year-2018 Thana- PIRBAHOR District- Patna

Nayer Imam, S/o Late Mustaque Ahmad, Resident of Mallick Manzil Ramna
Road, P.S. Pirbahore, District Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Singh, Adv.

For the Opposite Party/s : None

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 22-01-2019 Heard learned counsel for the petitioner. No one
appears for the State.

Petitioner, in the present case, is seeking anticipatory
bail in connection with Pirbahore P.S. Case No. 267 of 2018,
giving rise to Spl. Case No.45 of 2018, registered for the
offences punishable under Sections 274, 275, 276, 419, 420,
467, 468 and 120B of the Indian Penal Code and Sections 27(b)
(H), 27(d)/28 of the Drugs and Cosmetic Act, 2008 as well as
22(b) of the NDPS Act.

Mr. Sanjay Singh, learned counsel representing the
petitioner submits that this petitioner happens to be the licensee
in terms of Rule 61(1) of the Drugs and Cosmetic Rules, 1945.
A copy of the licence dated 21.11.2013 has been brought on
record with the supplementary affidavit which shows that the



petitioner was granted licence for selling and stocking of the drugs specified in Schedule C and C(1) excluding those specified in Schedule X.

A perusal of the F.I.R. dated 14.05.2018 shows that when the raid was conducted in the premises of the petitioner, Codeine Phosphate and Prody-C were found stored in huge quantity. Different kind of drugs which were seized from the residential premises of the petitioner were capable of being used as intoxicant and the case against the petitioner is that those drugs were stored for selling to encourage intoxication. It is also alleged that there were altogether 3125 bottles which were containing 625 gm of Codeine Phosphate which were much more than the prescribed maximum quantity of Codeine Phosphate. It is also alleged that the seized medicines were stored in the premises without there being any valid license and no source of their acquisition could be explained by the petitioner.

On going through the entire materials available on the record, this Court called upon learned counsel representing the petitioner to show from the Drugs and Cosmetic Rules that seized medicines are falling in the list of medicines provided in Schedule C and C(1), however, he could not show it to this



Court to its satisfaction.

No one appears for the State to oppose this application.

In the given facts and circumstances of the case wherein the allegations against the petitioner seem to be serious in nature of storing huge number of bottles of medicines containing the ban substance of codeine phosphate containing 625 gm as also said to be expired medicines and there is no valid license in favour of the petitioner to store these medicines, this Court is not inclined to grant privilege of anticipatory bail to the petitioner.

The application is dismissed.

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(Rajeev Ranjan Prasad, J)

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