

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8422 of 2020

Arising Out of PS. Case No.-196 Year-2018 Thana- BUDDHACOLONY District- Patna

Surendra Singh Son of Sri Harmindar Singh Resident of 401, New Dak Bungalow Road, P.S.- Kotwali, District- Patna, at present residing at Flat No. 1-D, Sai Niliyam Apartments, P.S.- Gardanibagh, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Narain, Sr. Advocate
Mr. Rajeeva Roy
For the Opposite Party/s : Mr. Md. Aslam Ansari

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

10 20-07-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 420, 274, 275, 276, 467, 468, 120(B) of the Indian Penal Code, Section 27(C)/ 28, 28(A), 27(B) (ii), 27(D) of the Drugs & Cosmetics Act and Section 63/64 of the Copy Rights Act as well as Sections 103, 104 of the Trade Marks Act.

The prosecution case as per F.I.R is that informant is employed in Brand Protection Services



Private Limited Company, Patna and Win Medicine Company and authorized officer of Torrent Pharma Company. It is alleged that he got secret information that medical store of the petitioner namely Super Aushadhi is indulged in selling of duplicate medicines of the company. The informant gave information to this effect to the police. The police raided the shop and seized some tablets and injections. Thereafter, staffs of the shop were taken into custody.

It is submitted by learned counsel for the petitioner that petitioner is proprietor of the shop namely Super Aushadhi and he has been granted license to run retail business of drugs to sell, purchase and stock. It is further submitted that Brand Protection Services Private Limited Company is neither a statutory body, nor an officer appointed under the Drugs & Cosmetics Act. The sale, purchase, stock and distribution of drugs and medicines are governed, regulated and controlled by Drugs & Cosmetics Act and according to the Act, the



Inspectors are to exercise the powers and perform the duties to inspect the premises where any drugs or medicines are manufactured, sold, stocked, exhibited, distributed or offered for sale. The shop of the petitioner was neither inspected by any Inspector appointed under Section 21 of the Act, nor any sample was collected and sent for test/analysis under Section 23 of the Act, nor was any case instituted by the Inspector or any person under the authority of Controller of Drugs. The informant claims to be the officer of Brand Protection Services Private Limited Company which is neither a statutory body, nor a representative of consumer, nor Inspector of Drugs which is totally illegal.

The learned A.P.P. appearing on behalf of the State after thoroughly gone through the case diary has submitted that in paragraph 74 of the case diary, the Investigating Officer has not found the case true as against the petitioner.

In the facts and circumstance of the case, let



the petitioner, above named, in the event of his arrest or
surrender before the Court below within a period of four
weeks from today, be released on anticipatory bail on
furnishing bail bonds of Rs. 10,000/-(Ten Thousands)
with two sureties of the like amount each to the
satisfaction of learned Additional Chief Judicial
Magistrate, Patna in connection with Buddha Colony P.S.
Case No. 196 of 2018, subject to the conditions as laid
down under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

Shageer/-

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

