

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9364 of 2022

Arising Out of PS. Case No.-1 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

-
1. SANJIV RAI Son of Late Shivendra Prasad Rai Managing Director, M/S Ornate Labs Pvt. Ltd., Industrial Estate, Bela, Muzaffarpur - 842005, Permanent resident of 12, Jagat Balram Apartment, Boring Road, P.S. - S.K. Puri, Patna- 800013
 2. Binod Kumar Thakur Son of Late Rameshwar Thakur Director, M/S Ornate Labs Pvt. Ltd., Industrial Estate, Bela, Muzaffarpur - 842005, Permanent resident of 402, North Block, Shyama Apartment, Jagdeo Path, Bailey Road, P.S. - Rukunpura, Distt. and town - Patna - 800020
 3. Dr. Manoj Kumar Jaiswal Son of Mankeshwar Prasad Jaiswal Analytical Chemis, M/S Ornate Labs Pvt. Ltd., Industrial Estate, Bela, Muzaffarpur - 842005, Permanent resident of C- Type Quarter, L.S. College Campus, P.S. Kazi Mahmmadpur, Distt. - Muzaffarpur- 842001.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 17011 of 2022

Arising Out of PS. Case No.-1 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

RANJIT KUMAR SINGH S/o Late Sadhu Saran Singh Proprietor of M/S Maa Gayatri Enterprises, Resident of Manorama Niketan Babutola Lane, G.M. Road, P.S.- Pirbahore, Town, District- Patna, Bihar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 9364 of 2022)

For the Petitioner/s : Mr.Satyendra Rai

For the Opposite Party/s : none

(In CRIMINAL MISCELLANEOUS No. 17011 of 2022)

For the Petitioner/s : Mr.Satyendra Rai

For the Opposite Party/s : none

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER



5 28-11-2022 Heard learned counsel for the petitioners. Learned APP for the State are not present.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Official Complaint Case No. 01 of 2019 instituted for the offence punishable under Sections 18(c) , 27(b)(ii), 22, 27(d) of the Drugs and Cosmetics Act, 1940 and Section 420 and 120(b) of the Indian Penal Code.

As per allegation in the FIR, despite ban of the particular drugs, the company with which the petitioners are associated in different responsible capacities continued with manufacturing of drugs and distributing it in public.

Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. Petitioners have renewed their license from time-to-time and continued to manufacture the particular drug. The combination of drug containing Simethicone is not in category of banned drugs and as aforesaid drug was mentioned in the list of drugs in Form 26 as such, there was no occasion for the company of the petitioner to produce the original in Form-25. The allegations levelled against the petitioner is absolutely erroneous and misconceived. The original license has already



been surrendered to the State Drug Controller which has not been subjected to any technical verification before leveling the allegation of maneuvering. The complainant has not made the company as an accused and instead of that the prosecution has been lodged against its official, which is not proper. Petitioners have not committed any deliberate latches. Offence alleged does not come within the ambit of those offenses mentioned in Section 36 AC of the Drugs and Cosmetics Act on which limitation of granting bail is applicable as per the said provisions and no case under Section 420 IPC is made out in the instant case.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest or surrender in connection with Official Complaint Case No. 01/2019, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional District & Sessions Judge-cum-Special Judge (Drugs and Cosmetics Act), Muzaffarpur subject to the conditions as laid down under



section 438(2) of the Cr.P.C.

Let a copy of this order be communicated to learned Advocate General to look into the matter as to why the concerned APP was not present in Court to contest the anticipatory bail application of the petitioners.

(Sunil Kumar Panwar, J)

sushma/-

U			
---	--	--	--

