

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.771 of 2022

Arising Out of PS. Case No.-318 Year-2021 Thana- KUCHAIKOTE District- Gopalganj

Rajan Kumar @ Rajan Kumar Srivastava Son Of Ram Krishna Prasad
Srivastava Resident Of Ward No. 6, Raghunathpur, P.S.- Turkauliya, Motihari,
District- East Champaran Petitioner

Versus

1. The State Of Bihar Through The Chief Secretary, Govt. Of Bihar, Patna
2. The Secretary, Department Of Health, Govt. Of Bihar, Patna
3. The Assistant Drug Controller, Drugs Control Department, Bihar, Patna
4. The District Magistrate, Gopalganj, Bihar
5. The Superintendent Of Police, Gopalganj, Bihar
6. Anita Kumari, Drug Inspector, Gopalganj, Bihar

... .. Respondents

Appearance :

For the Petitioner/s : Ms. Rashmi Jha, Advocate
For the Respondent/s : Mr. Ajay Behari Sinha, GA-8
Mr. Upendra Kumar Singh, AC to GA-8

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 25-07-2022

Pursuant to the order dated 20.07.2022, the Drug Inspector, Gopalganj, the I.O. of the case and the Drug Analyst all are present in the Court.

Mr. Jogindra Prasad Singh, the Drug Analyst has reiterated that the medicines in question confirm the prescribed limit. The Drug Inspector has stated that she would have no objection to the release of the medicines in question. The I.O. of the case has stated that he has otherwise no objection and the only thing which is required to be done on his part is to verify the bills which are lying with him for 6 months. He has stated that recently he has written a letter to the DIG, Saran at Chapra to permit him to go to the State of Himachal Pradesh for verification of the bills. He is awaiting the order of the DIG. No plausible reason has been explained as to why he remains sitting over the bills for 6 months and now the DIG,



Saran at Chapra has not dealt with his request for about one month.

Be that as it may, Mr. Ajay Behari Sinha, learned Senior Counsel and GA-8 representing the State submits that these medicines are lying in the *malkhana* for over one year and some of them might have expired also, therefore, keeping in view the line of the judgments of the Hon'ble Supreme Court on this issue, it would only be in the interest of justice to direct release of the medicines subject, however, to the conditions that upon verification of the bills if any discrepancy would be found, the petitioner may be called upon to explain the same.

In the given facts and circumstances of the case, the impugned order is hereby set aside. This Court directs the I.O., Kuchaikot Police Station in the District of Gopalganj to release the medicines in favour of the petitioner after obtaining a surety bond to the extent of the value of the medicines which will not be in the form of cash or bank guarantee.

Let the court below issue the release order forthwith.

A copy of this order be communicated to the learned court below through FAX and E-mail.

The application stands disposed of.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

