

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50449 of 2021

Arising Out of PS. Case No.-325 Year-2016 Thana- PIRBAHOR District- Patna

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ASHOK KUMAR Son of Late Kanhaiya Prasad Resident of Village -
Naghbanshi Sahay Lane, P.S.- Gaya, Distt.- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Nayan

For the Opposite Party/s : Mr.Shyameshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 28-06-2022 Heard learned counsel for the parties.

The petitioner apprehends his arrest in a case registered for the offence under Sections 419, 420, 467, 468, 274, 275, 276, 120(B) of the Indian Penal Code, Sections 27(B) (II), 27(d), 28, 28(A), 27(C) of the Drugs & Cosmetics Act and Section 22(b) of the N.D.P.S. Act.

As per the F.I.R., from the shop of the petitioner namely M/s Surabhi Pharma, 319 vial of Diclo injections (30 ml. each), manufactured by M/s Oriental Pharma, Madhya Pradesh, was sent to M/s H.D.Farma, Patna, which is a banned medicine, as per Gazette Notification of Govt. of India.

It is submitted on behalf of petitioner that petitioner has neither sold nor supplied such medicine to M/s H.D. Farma, Patna and as such, no offence either under the provision of Drugs & Cosmetics Act or N.D.P.S. Act is made out against this



petitioner. It is next submitted that initially, F.I.R. was lodged by Drug Inspector-cum-Informant, vide Pirbahore P.S. Case No. 325 of 2016, but later after coming to know about his mistake, lodged the present complaint before the court below after two years of alleged occurrence and petitioner was implicated and prosecuted in both cases for one alleged occurrence. Petitioner has got clean antecedent.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of petitioner.

However, considering the aforesaid facts and circumstances, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, 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 learned A.D.J. - XVIII, Patna in connection with Spl. (Drugs) Case No. 104 of 2016, arising out of Pirbahore P.S. Case No. 325 of 2016, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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