

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.186 of 2022

Arising Out of PS. Case No.-254 Year-2021 Thana- JANDAHA District- Vaishali

Ram Bachan Sah Son Of Late Brahmdeo Sah Resident Of Ambedkar Nagar
Chowk, P.S. Jandaha, District- Vaishali.

... .. Petitioner/S

Versus

1. The State Of Bihar Through Director General Of Police, Bihar, Patna, Bihar.
2. The Superintendent Of Police, District Vaishali At Hajipur, Bihar.
3. The Drug Controller, Bihar, Patna, Bihar.
4. The Drug Controller (AYUSH), Bihar, Patna, Bihar.
5. The Drug Inspector, Vaishali-2, Bihar
6. The Drug Inspector, Vaishali-1, Bihar
7. The Drug Inspector (AYURVED), Patna Headquarter, Bihar
8. The Officer In Charge, Jandaha Police Station, District- Vaishali, Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Dhananjay Kumar, Adv.
	:	Mr. Kundan Kumar Jha, Adv.
For the Respondent/s	:	Mr. Anil Kumar, AC to SC - 8

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 16-03-2023

Heard learned counsel for the petitioner and
learned counsel for the State.

Present Writ application has been filed for quashing
the F.I.R. bearing Jandaha P.S. Case No. 254 of 2021 instituted
under the provisions of Indian Penal Code and the Drugs and
Cosmetic Act.

Counsel for the petitioner submits that vide order
dated 28.04.2022, a protection order has been granted in favour
of the petitioner and direction has been given to respondent no.
2 and 3 to file counter affidavit, personally shown by them
indicating therein, that on what basis the present F.I.R. came to

be instituted, when filing an F.I.R. is barred under Section 32 of the Drugs and Cosmetics Act, 1940.

Counsel for the petitioner submits that a supplementary counter affidavit has been filed, in which reference relating to Full Bench of Hon'ble Supreme Court, **Union of India Vs. Ashok Kumar Sharma and others (2020 SCC OnLine SC 683)** has been described and subsequently it has come on record that there is no evidence found to make out a case against offences under various sections of the I.P.C. and direction was made to the investigating officer to submit the final form in this case before Court below, regarding the offences mentioned under the Indian Penal Code in the F.I.R. From the said counter affidavit, filed by the State, it has been accepted that filing of the F.I.R. under Drugs and Cosmetics Act is not within its jurisdiction.

Considering this aspect of the matter, the F.I.R. bearing Jandaha P.S. Case No. 254 of 2021 is hereby **quashed** and the present Cr. Writ petition is hereby **disposed off**.

(Dr. Anshuman, J.)

ashishsingh/-

AFR/NAFR	
CAV DATE	
Uploading Date	

Transmission Date	
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