

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41850 of 2015

Arising Out of PS. Case No.-135 Year-2011 Thana- PIRBAHOR District- Patna

Arvind Kumar Srivastava @ Arvind Kumar Son of Sri Dinanath Srivastava,
Resident of Shambhunath Apartment, Flat No. 402, Govind Mitra Road, P.S.
Pirbahore, District Patna.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Vikash Shiromani, Son of not known to the petitioner, Drugs Inspector,
Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Y. Madhavi, Advocate
For the Opposite Party/s : Mr.R.S.Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-02-2023 Heard Mrs. Y. Madhavi, learned counsel for the
petitioner and the State.

The present petition has been preferred for quashing
of the order dated 27.01.2015 passed by the learned Sub-
Divisional Judicial Magistrate, Patna in Pirbahore P.S. Case No.
135 of 2011 whereby and whereunder the learned Court below
took cognizance for the offences under Sections 419, 420, 120
(B), 474, 414 and 379 of the Indian Penal Code and Sections
27(B)(ii), 27(D), 36(A)(C), 28 and 28(A) of Drugs and
Cosmetics Act.

Although Mrs. Y. Madhavi tried to provide assistance
on the cases to show that in Drugs and Cosmetics Act, the FIR



cannot be lodged in certain circumstance, she do concede that since the other sections 419, 420 and 379 of the Indian Penal Code amongst other are there as such, she restricts her submission that liberty be given to raise all the points at an appropriate stage at the time of framing of charge as according to her instruction, the charges have still not been framed.

Accordingly, the petition stands disposed of with the aforesaid liberty.

Before parting, the Court would like to put on record its word of appreciation for Mrs. Y. Madhavi, learned counsel for the petitioner for proper assistance in the matter.

(Rajiv Roy, J)

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