

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6771 of 2013

Arising Out of PS. Case No.-724 Year-2004 Thana- SAHARSA COMPLAINT CASE
District- Saharsa

-
1. M/s Hagel Capsule Industries Ltd. Regd. Office, Hagel House, 359, Military Road and Ors.
 2. Chairman Regd. Office., Hagel House, 359, Military Road Off Marol Maroshi Road, Marol, Mumbai
 3. Managing Director, Regd. Office, Hagel House, 359, Military Road, Off Marol Morshi Road, Marol, Mumbai
 4. Mr. Ashish Patwari S/O Late Sri Mrarilal Patwari, Ceo & Executive Director, Regd. Office., Hagel House, 359, Military Road Off Marol Maroshi Road, Marol, Mumbai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sachit Kumar Sahijpal, Adv Mr. Ashhar Mustafa, Adv Mr. Harshit Dhingra, Adv Mr. Abu Nasar, Adv
For the Opposite Party/s	:	Mr. Jharkhandi Upadhyay

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

30 27-04-2023 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

This application is filed for quashing of the order dated 12.07.2004 whereby the Court of learned Chief Judicial Magistrate, Saharsa has been pleased to take cognizance in complaint case no 724(C)/2004 for the offences under Section 27(D) of the Drugs and cosmetics Act, 1940 for alleged violation of the provisions of Section 18, 18(a), 18(B), 18© of



the said Act and for quashing the entire proceeding arising out of Complaint Case No. 724(c) of 2004 presently pending in the Court of Sub Divisional Judicial Magistrate, Patna.

I have gone through the impugned order. The impugned order is in a typed format. There is no application of mind.

Learned counsel for the petitioner has relied upon a judgment of the Hon'ble Supreme Court in the case on ***Pepsi Foods Ltd. and Anr Vs. Special Judicial Magistrate and Ors. 1998 (2) SCC 749*** and on a order of this Court in ***Cr. Misc. No. 34891 of 2013 (Nokia Siemens India Pvt, Ltd Vs. State of Bihar)*** dated 12.08.2016.

In view of the law laid down by the Hon'ble Supreme Court in Case on ***Pepsi Foods Ltd. and Anr Vs. Special Judicial Magistrate and Ors. 1998 (2) SCC 749***, this application is allowed.

The order dated 12.07.2004 passed by learned Chief Judicial Magistrate, Saharsa in complaint case no 724(C)/2004 is hereby quashed.

(Sandeep Kumar, J)

Sunnykr/-

U			
---	--	--	--

