

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8697 of 2015

Arising Out of PS. Case No.-18 Year-2014 Thana- KATIHAR COMPLAINT CASE District-
Katihar

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Nilesh Kumar Gupta Late Upendra Prasad Sah, resident of Balathi
Maheshpur, Police Station- Kursaila, District- Katihar

... .. Petitioner/s

Versus

The State Of Bihar & Others

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vipin Kumar Singh

For the Opposite Party/s : Mr.Kanhaiya Kishoreapp

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR

ORAL ORDER

8 22-03-2023 Heard learned counsel for the parties.

The petitioner has prayed for quashing the order dated 07.03.2014 passed in Complaint Case No. 18 of 2014 by learned Chief Judicial Magistrate, Katihar whereby the learned Magistrate cognizance has taken cognizance against the petitioner for the offences under sections 27(B), 18(c), 28(A), 18(B) of Drugs and Cosmetics Act, 1940.

The only ground for quashing of cognizance order is that at the time of inspection, the Drug Inspector has no jurisdiction to raid the shop.

Learned counsel for the State has got instructions from the department concerned and has submitted that the Drug Inspector has jurisdiction over the area in which the shop of the



petitioner is located and therefore his raid was valid. In this circumstances, this Court is not inclined to interfere with the impugned order of cognizance as *prima facie* case is made out against the petitioner.

This application is dismissed with a liberty to the petitioner to raise all the grounds at the time of framing of charge.

The instructions received by the State is taken on record.

(Sandeep Kumar, J)

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