

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56772 of 2022

Arising Out of PS. Case No.-215 Year-2021 Thana- SHIVSAGAR District- Rohtas

MADINA BIBI WIFE OF JAHANGIR HUSSAIN @ ZAHANGIR HOS-
SAIN Resident of Village- Huda, Herampur, P.S.- Salampur, District- Mur-
shidabad (West Bengal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sunil Kumar Pandey
For the Opposite Party/s	:	Mr.Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 10-01-2023 Heard the parties.

The petitioner apprehends her arrest in a case registered for the offence punishable u/s 420/34 of the IPC, sections 8(c)/22(c) of Drugs and Cosmetics Act, 1940 and Section 2 (B)(ii) of N.D.P.S. Act and section 28 of Drugs and Cosmetics Act, 1985.

Allegedly, 1050 bottles of Phensedyl New Cough Linctus containing 100 ml each were recovered from a vehicle bearing Registration No.WB-57 6-3257.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. She has been falsely implicated in this case only on suspicion. No such occurrence, in the manner as alleged, has ever taken place. Petitioner has no criminal antecedent. No incriminating article has been recovered from the conscious physical possession of the petitioner. Though petitioner is owner of the said vehicle but the same runs



through the driver and she had no knowledge about the loading of such medicine on her vehicle. It is further submitted that the Drug Inspector has no authority or has no jurisdiction to lodge F.I.R. Learned counsel has relied upon the judgment of this Court in the case of ***Bablu @Rajesh Kumar vs. The State of Bihar and Ors.*** as reported in ***2021 3 PLJR 220***, in which it is clearly stated that no F.I.R. can be lodged by the Drug Inspector and only complaint is maintainable.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Shivsagar P.S. Case No.215 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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