

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No. 2023 of 2018

Arising Out of PS. Case No.- Year-0 Thana- District- Patna

Ramesh Kumar @ Ramesh Kumar Choubey S/o Sheo Jee Choubey R/o -
2/22, Madhuban Awas Board Complex, Malahi Pakri, P.S.- Kankarbagh,
District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar through D.G.P., Govt of Bihar, Patna Bihar
2. The senior Superintendent of Police, Patna Bihar
3. The City Superintendent of Police, Patna Bihar
4. The Officer-in-Charge, Police Station, Sachiwalay, Patna Bihar
5. M/S Estar Medicine Pvt. Ltd. Plot No.- E-4 (Part), Phase- II, Industrial Area,
Hajipur (Vaishali)
6. Ravindra Kumar Sinha, State Drug Controller, Bihar, Patna Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey, Advocate
For the Respondent/s : Mr. Sanjay Kumar, AC to SC-8

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-01-2023 Heard learned counsel appearing on behalf of the
petitioner and learned AC to SC-8 appearing on behalf of the State.

The present criminal writ petition is being preferred on
behalf of the petitioner, who is a social worker for lodging FIR
against Respondent Nos.5 and 6 for manufacturing of banned drugs
i.e. “Nemoslide suspension”, as per Section 26(A) of the Drugs and
Cosmetics Act, 1940.

Learned counsel appearing on behalf of the State
submitted that efficacious and alternate remedy is available under
Section 156(3) of the Cr.P.C. for the prayer as made through present
criminal writ petition, if petitioner qualify as per statutory provision
laid down under Section 32(i) of Drugs and Cosmetics Act, 1940.



It would be appropriate to reproduce the provision of law, as available under Section 32 of the Drugs and Cosmetic Act, 1940, for the better understanding of the fact and same as under:

32. Cognizance of offences

(1) No prosecution under this Chapter shall be instituted except by-

(a) an inspector; or

(b) any gazetted officer of the Central Government or a State Government authorized in writing in this behalf by the Central Government or a State Government by a general or special order made in this behalf by that Government; or

(c) the person aggrieved; or

(d) a recognized consumer association whether such person is a member of that association or not.

In view of the facts and circumstances, the present criminal writ petition, is being dismissed with liberty to raise all such issues before the Court of appropriate jurisdictions by way of available alternate remedies, if available, to petitioner under the law, as discussed above.

With the aforesaid observation(s), the present criminal writ petition, is disposed of.

(Chandra Shekhar Jha, J)

S.Katyayan/-

U		T	
---	--	---	--

