

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18817 of 2024**

Arising Out of PS. Case No.-275 Year-2023 Thana- PATNA COMPLAINT CASE District-
Patna

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Vijay Kumar (Male), aged about 42 years, old, S/O- Late Umakant Prasad,
R/O- Khajekala, P.S.- Khejakala, Dist.- Patna, at present 1st Floor, Sri
Narayan Market, Beni Madhav Lane, Govind Mitra Road, P.S.- Pribahore,
Dist.- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Ram Shankar Das, Advocate
For the Opposite Party/s : Mr. Md. Aslam Ansari, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 25-04-2024 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No. 275 (O) of 2023 dated
12.09.2023 registered for the offences punishable under
Sections 18 (C) and 27(b)(ii) of the Drugs and Cosmetic
Act, 1940

3. As per the prosecution case, a raid was
conducted at the business premises of the petitioner which
is situated at 'Narayan Market', Ist Floor, Beni Madhav
Lane, Govind Mitra Road, Patna. It is further alleged that



the said raiding party demanded license from the petitioner for storing medicines but the petitioner has not produced any document with regard to storing medicines. In course of raid, the raiding party seized 32 kinds of medicines from the aforesaid premises. The petitioner has produced license which was in the name of 'Uma Medico'. There was also no Display Board in the aforesaid premises.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted by learned counsel for the petitioner that the petitioner is a proprietor of the aforesaid firm having valid license to operate medicinal shop. It is further submitted that the drugs which were seized by the raiding party are genuine and with all papers and valid cash memo and other relevant documents required for medicinal shop. It is further submitted that when the drugs were unloaded, in the meantime, there was rainfall due to which the same was unloaded on the ground of the building under roof after its transportation. The petitioner has valid license in Form-20B which was issued since long and coming in force from 20.06.2005 vide License No.



PAT-W-114/2005. It is further submitted that other license issued in Form 21B vide No. PAT-W-114A/2005 which is valid and operative renewed upto 19.06.2025. The petitioner has also got retention of license letter on 10.10.2020 in Form 20B and 21B. It is further submitted that the raiding party in violation of the rules and regulation as well as the provisions of law had unauthorizedly and illegally raided the premises of the petitioner and seized the medicines for which a legal and genuine receipts/cash memo/invoices having with the petitioner where no show cause regarding license was issued. It is further submitted that the raiding party sent the sample for testing and analysis to 'Agya Biotech Pvt. Ltd.,' Saharanpur Road, Manglour Rorkey, Haridwar, and in its report, it was found that all the samples are proper and genuine and up to the mark standard quality which has been checked and approved on 17.07.2023. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner by submitting that the petitioner without any valid license has



stored the medicines in his premises which is illegal. It is further submitted by learned A.P.P. for the State that the raid was conducted through videography in presence of the accused person, Vijay Kumar from 2.30 P.M. to 4.00 P.M. and the inspection report was prepared and the inspecting team put their signature as well as the accused Vijay Kumar also put his signature on the inspection report. No any board of the shop was found which was run illegally. The purchase invoices were self attested by the accused person in the name of 'Uma Medico'. It is further submitted that learned counsel for the petitioner was not ready to get the said license verified by the competent authority. So, it seems to be false and fabricated.

6. Considering the aforesaid facts and circumstances of the case as well as finding substance in the contention of learned counsel for the State, this Court is not inclined to grant anticipatory bail to the petitioner and the same is rejected with a direction to the petitioner to surrender before the learned court below within a period of six weeks from the date of receipt/production of a copy of this order and the learned court below may consider the



prayer for regular bail of the petitioner in accordance with law and on its own merits without being prejudiced of the order of this Court in connection with Complaint Case No. 275 (O) of 2023, pending in the court of learned S.D.J.M., Patna.

7. Accordingly, the anticipatory bail application of the petitioner stands rejected.

(Chandra Prakash Singh, J)

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