

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74334 of 2023

Arising Out of PS. Case No.-414 Year-2023 Thana- NAGAR District- Vaishali

Md. Reyaj Ansari S/O Md. Badruddin R/O- Village - Chauhatta Chhippi Tola,
P.S. - Hajipur Town, District - Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi, Advocate
For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

6 03-07-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Hajipur Town P.S. Case No.414 of 2023, registered for the offences punishable under Sections 21(b)/22(b) of the N.D.P.S. Act.

3. As per prosecution, FIR has been lodged against four named accused persons. Recovery of 105 pieces of Ampule injection without label, 40 pieces of Evil Ampule Injection and 5 pieces of Traumadaul Ampule Injection have been the subject matter of this case.

4. Learned counsel for the petitioner submits that



the petitioner is innocent and has committed no offence. Counsel submits that he has been unnecessarily been made accused in this case. He submits that petitioner is a license holder, which he has annexed as Annexure-P/1 of the supplementary affidavit. Counsel submits that the only allegation, as per the FIR, is that the drugs which has been seized in his shop is basically unlabeled. He submits that selling of a drug, which is unlabeled is basically an offence under the Drugs Act itself and for that the punishment prescribed is only one year with fine. In this background, he submits that the petitioner deserves anticipatory bail.

5. Learned counsel for the State opposes the prayer for anticipatory bail and submits that it is true that petitioner is a drug license holder but the license was granted him to sell the drugs excluding specified in Schedule-X. He submits that the drug, which was recovered from his shop, comes within the purview of Schedule-X drugs for which he has no license.

6. In this background, the defence of the petitioner is not sustainable. This Court is of the view that this case is not fit for anticipatory bail. Hence, the prayer for anticipatory bail is refused. However, in the event of surrender of the petitioner within four weeks, the prayer for regular bail shall be



considered in course of the day without being prejudiced by the
order of this Court.

(Dr. Anshuman, J)

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