

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29368 of 2025

Arising Out of PS. Case No.-77 Year-2018 Thana- BHAGALPUR COMPLAINT CASE

District- Bhagalpur

Anil Kumar Kotriwal S/o- Bhuramal Kotriwal R/o- MPD Road Naya Bazar
Ps- Kotwali Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Kumar Rajdeep Ms. Diksha Kumari Mr.Arvind Kumar
For the Opposite Party/s	:	Mr.Shahabuddin Azeem @ S. Azeem

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL ORDER

2 07-05-2025 Heard learned counsel for the petitioners and learned
APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection with Complaint Case No. 77/2018 for the offences punishable under Sections 27(d)/28(A)/36(AC) of the Drugs and Cosmetics Act, Section 22(c) of the NDPS Act and Section 420/419 of the Indian Penal Code.

3. As per the prosecution case, on a complaint that this petitioner, who is the proprietor of M/s K Balaji Agency, MPD



Road Bhagalpur, had purchased a huge quantity of Dialex DC Cough Syrup (Different Batch) 100 ml & 60 ml (Codeine Containing Cough Syrup) and sold it to several medical shops, the complainant asked to provide sale and purchase records of Dialex DC Cough Syrup which were provided by the proprietor/petitioner and thereafter, same was verified by the retailers but the retailers refused to accept the aforesaid sale bills and told that the M/S K Balaji Agencies illegally issued the sale invoice on behalf of the medical shops. After verification of the documents, it was found that M/s K Balaji Agencies illegally purchased Dialex DC Cough Syrup which contained codeine phosphate 20,130 philes/100 ml. and 4,900 of Bond and sales record of only 1980 phial produced by him, which is totally illegal, so he sold codeine contained cough syrup without maintaining proper register.

4. Learned Senior Counsel for the petitioner submits that the present case has been filed after a delay of 8-10 months without any plausible explanation. He further submits that the petitioner is a licensed wholesale dealer in Drugs from the year 1995 and is authorized distributor / stockist of various reputed pharmaceutical companies, such as, Pfizer, Dr. Reddy's, Sun Pharma, Abbott, Torrent, Intas etc. in the town of Bhagalpur.



Learned Senior Counsel for the petitioner further submits that the petitioner cannot refuse to sale medicine to a retailer if the same is available in the stock of the petitioner. He submits that the petitioner neither violated the provisions of Drugs and Cosmetics Act nor NDPS Act. The petitioner is running *bonafide* business in the medicine/drugs for 30 years in the name of M/s K. Balaji Agency Medical Shop, holding a valid drug license and GST registration certificate. He submits that in the similar matter, this Hon'ble Court has passed order for the release of seized cough syrup of codeine in favor of M/s Windlas Biotech Limited vide order dated 15.07.2024 passed in Cr. Misc. No. 12869 of 2024.

5. Learned Additional Public Prosecutor appearing on behalf of the State has vehemently opposed the prayer for bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within eight weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur in connection with Complaint Case No. 77/2018, subject to the conditions laid down in



Section 438(2) of the Code of Criminal Procedure, 1973.

(Prabhat Kumar Singh, J)

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