

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11524 of 2021

Arising Out of PS. Case No.-762 Year-2019 Thana- KHAGARIA District- Khagaria

Pawan Kumar Sharma Son Of Late Bhikken Lal Sharma Resident Of 12/9
Ashirwad Enclave, P.S.- Dehradun, District- Dehradun, (Uttarakhand)

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. THE DRUG INSPECTOR, KHAGARIA.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Pd. Singh, Sr. Advocate
Mrs. Preety Kunwar, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

11 01-05-2025 Heard the parties.

2. The Drug Inspector, Khagaria has appeared before
this Court.

3. The present application has been filed for quashing
the F.I.R. arising out of Khagaria P.S. Case No. 762/2019,
registered u/ss 274/275/276/419/420 of the Indian Penal Code
and Section 22(b) of Drug & Cosmetic (Amendment) Act and
Section 27(B)(II)/27(C)/28/28(a) of the N.D.P.S. Act, 1985.

4. As per prosecution case, the informant alleges that
in course of inspection, Wiscof Cough Syrup 100 ml. was found
in the Farkia Drug Agency. The alleged drug has been seized in
presence of independent witness. The seized cough syrup is
manufactured by M/S Winddlas Biotech (Pvt.) Ltd. Non
production of purchase Memo & drug license mounts to
violation of Drugs & Cosmetic Act. Hence, the informant



lodged an F.I.R.

5. There is no allegation against the petitioner in the F.I.R. The Drug Inspector, Khagaria has said that the petitioner was never made accused in this case. When the petitioner was not made accused, the petitioner cannot be tried in connection with the alleged crime. He is the Director of the Company which have been manufacture the Codeine Cough Syrup which was seized in the market and the some other accused i.e. local dealer and other criminals have been made accused.

6. In these circumstances, this application is allowed. It is held that the prosecution of the petitioner in connection with present case is illegal.

7. The further proceeding as against the petitioner in connection with Khagaria P.S. Case No. 762/2019 is hereby quashed.

8. So far as other accused are concerned, they will face the trial.

9. Supplementary affidavit filed by learned APP is taken on record.

(Sandeep Kumar, J)

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