
(2013) 07 PAT CK 0074

In the Patna High Court

Case No : Criminal Miscellaneous No. 7497 of 2001

Shankar Kumar Ghosh

APPELLANT

Vs

The State of Bihar

RESPONDENT

Date of Decision : 15-07-2013

Acts Referred:

Drugs and Cosmetics Act, 1940 — Section 22(i), 27

Citation : (2013) 4 PLJR 848

Hon'ble Judges : Anjana Prakash, J

Bench : Single Bench

Advocate : Bishwajeet Singh and Kundan Kumar Singh, for the Appellant;

Judgement

Anjana Prakash, J.—The Petitioner seeks quashing of the entire proceeding including the order of cognizance dated 20.1.2001 passed by the Chief Judicial Magistrate, Bhagalpur in G.R. Case No. 2311/98 (Tr. No. 1134/2001) arising out of Kotwali P.S. Case No. 556 of 1998 u/s 27 of Drugs and Cosmetics Act, 1940. The simple point raised on behalf of the Petitioner is that after the prosecution was launched by one Yogendra Kumar Jaiswal on the Complaint of a Drug Inspector but investigation of the case was carried out by the Police which was against the provisions of Section 22(i) of the Act. The Counsel for the Petitioner has relied upon a Division Bench decision of this Court dated 21.1.2011 passed in Cr.W.J.C. Nos. 719 of 1998 and 808 of 1998 on the said point.

2. In view of the express adjudication of this issue, the application is allowed and the entire proceeding including the order of cognizance dated 20.1.2001 passed by the Chief Judicial Magistrate, Bhagalpur in G.R. Case No. 2311/98 (Tr. No. 1134/2001) arising out of Kotwali P.S. Case No. 556 of 1998 is, hereby, quashed. The application stands allowed.