

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44422 of 2014

Arising Out of PS.Case No. -218 Year- 2013 Thana -GANDHIMAIDAN District- PATNA

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Shyam Sundar Maskara

..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyendra Rai

For the Opposite Party/s : Mr. Pranav Kumar (A.P.P.)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

03 07-04-2015

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor.

Pushcart (Thela) laden with cartons full of medicines
was taken away to Gandhi Maidan Police Station by the Police
Officials along with Pushcart Puller Md. Jainul, who failed to
show the relevant document. He, on query disclosed that these
medicines were being carried to M/s Fairdeal Pharmaco Private
Limited and the Hawker, who was accompanying, slipped seeing
the police. The Pushcart Puller also disclosed that medicine has
been transported over bus. Then thereafter, informant, a Drug
Inspector was informed by the police, who came and filed written
report. There happens to be Annexures with the written report
containing the identity of the medicines along with its quantity.

It has been submitted on behalf of petitioner that he is



being implicated with ulterior motive and for that Md. Jainul, a Pushcart puller has been brought up in picture, otherwise during course of investigation, no document has been traced out by the Investigating Officer to suggest that petitioner happens to be owner of aforesaid medicines and was being carried to the firm belonging to the petitioner. It has further been submitted that even taking into account the allegation on its face, in case, it happens to be concealment of VAT which, petitioner is ready to pay in order to avoid his agony as well as frustration in the background of persistent hanging of the sword of fear being apprehended in this case at the hands of police at any moment affecting adversely to his establishment. Furthermore, the medicine has not found to be spurious one. It has also been submitted that aforesaid step should not be considered as an admission during course of trial and petitioner's interest be protected to that extent.

On the other hand, learned Additional Public Prosecutor opposed the prayer and submitted that carrying the consignment without paying VAT is an offence and for that rightly booked. However, fairly submitted that payment of VAT will ease the situation.

As such, after payment of VAT over the items so seized by the prosecution party, petitioner **Shyam Sundar**

Maskara is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Patna in connection with Gandhi Maidan P. S. Case no.218 of 2013, in the event of his arrest/ surrender within four weeks in terms of condition so enumerated under Section 438(2) of the Cr.P.C.

Vikash/-

(Aditya Kumar Trivedi, J)

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