

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39495 of 2015

Arising out of PS.Case No. -283 Year- 2015 Thana -GAYA KOTWALI District- GAYA

- 1. Chandra Bhushan Kumar (Proprietor of Chandan Drug Agency) at Barnawal Market, Tekari Road, Gaya Son of Sri Kameshwar Pd., resident of Rajendra Path, Tel Bigha, P.S. - Kotwali, District - Gaya.
- 2. Santosh Kumar (Proprietor of Santosh Pharma) at Barnawal Market, Tekari Road, Gaya. Son of Sri Gopal Prasad, resident of Badki Delha, P.S. - Delha, District - Gaya.
- 3. Rajesh Kumar (Proprietor of Kumar Pharma) at Barnawal Market, Tekari Road, Gaya. Son of Sri Hari Shankar Prasad, resident of - Tel Bigha, Rang Bahadur Road, P.S. - Kotwali, District - Gaya.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

with

Criminal Miscellaneous No.40796 of 2015

Arising out of PS.Case No. -283 Year- 2015 Thana -GAYA KOTWALI District- GAYA

- 1. Santosh Kumar, Son of Nepal Prasad, resident of Tekari Road, Barnwal Market, P.S. - Kotwali, District - Gaya.
- 2. Deepak Kumar, Son of Gaya Prasad, resident of Tekari Road, Barnwal Market, P.S. - Kotwali, District - Gaya.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

with

Criminal Miscellaneous No.41611 of 2015

Arising out of PS.Case No. -283 Year- 2015 Thana -GAYA KOTWALI District- GAYA

- 1. Mantu Kumar @ Bittu, Son of Arjun Prasad, resident of Tekari Road, Barnwal Market, P.S.- Kotwali, District- Gaya.
- 2. Rajesh Kumar, Son of Sheo Prasad, resident of Tekari Road, Barnwal Market, P.S.- Kotwali, District- Gaya.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

(In Cr.Misc. No.39495 of 2015)

For the Petitioners : Mr. Ranjeet Kumar, Advocate.

For the Opposite Party : Mr. Sunil Kr.Panday(App)

(In Cr.Misc. No.40796 of 2015)

For the Petitioners : Mr. Tabish Sharfuddin, Advocate.

For the Opposite Party : Mr. Pranav Kumar(App)

(In Cr.Misc. No.41611 of 2015)

For the Petitioners : Mr. Tabish Sharfuddin, Advocate.

For the Opposite Party : Mr. Chandra Bhushan Prasad (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-09-2015

Heard learned counsel for the petitioners and learned
counsel for the State

The petitioners are apprehending their arrest in connection with Kotwali P.S. Case No. 283 of 2015 for the offences instituted under Rule 65(18), Rule 104-A, 18(c), 27(B)(II), 27(D), 64, 65(5)(3)(i) of the Drugs and Cosmetics Act, 1940 and Amendment 1945.

The prosecution story, in brief, is that the petitioners are the whole sale dealer of medicines against whom the allegation is that they were found involved in dealing with physician's samples of medicines after erasing the stamp thereof on large number of medicines of different varieties and embossing the M.R.P. of such medicines thereon.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. It is further submitted that no sub-standard medicines is said to have been recovered

from their possession nor any adulterated medicines are said to have been stored by the petitioners. It is further submitted that only the allegation is that the physician's samples were being sold by the petitioners. It is further submitted that the petitioners are ready to deposit an amount of Rs. 15,000/- each in the court below which shall be subject to final disposal of the case.

On behalf of the State it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, it is directed that the petitioners shall deposit an amount of Rs. 15,000/- each in the court below which shall be subject to final disposal of the case and on doing so, let the petitioners above named, be released on bail in the event of their arrest or surrender before the learned court below within a period of four weeks from today in connection with Kotwali P.S. Case No. 283/2015 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Gaya, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)