

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29413 of 2014

Arising Out of PS.Case No. -75 Year- 2014 Thana -SUGAULI District-
EASTCHAMPARAN(MOTIHARI)

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1. Gopal Kumar S/o Shambhu Prasad Resident of Mohalla Sugauli, P.O. and P.S. Sugauli, District East Champaran.

2. Rakesh Kumar @ Mantu S/o Late Niwas Jaiswal Resident of Mohalla Gola Bandh Road, Muzaffarpur, P.O. and P.S. Muzaffarpur, Town District Muzaffarpur.

..... Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar

For the Opposite Party/s : Mr. Ram Priya Saran Singh (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 12-01-2015 Heard learned counsel for the petitioners and learned
counsel representing the State.

Petitioners apprehend their arrest in connection with Sugauli P.S. Case No. 75 of 2014 registered for the offences punishable under Sections 420, 467, 468, 120B of the Indian Penal Code and Sections 27 (b) (ii), 22 (3), 27 (c), 28 of Drugs and Cosmetic Act, 1940.

Allegedly, on 13.3.2014 a raid was conducted in the medicines shop of Shambhu Prasad by the Drug Inspector and it was found that illegally medicines are being prepared and sold and on demand no paper regarding purchasing and selling of medicines was produced. Medicines were in the name of other brand and company. Name of petitioner Gopal Kumar was found on some papers relating to medicines preparations and selling of

some medicines of M/s. S. N. Enterprises which belongs to petitioner no. 2 Rakesh Kumar was also found at the place of occurrence.

Submission is that the petitioners have no concern with the shop which is admittedly of Shambhu Prasad and the petitioner no. 1 is his son and petitioner no. 2 is his son-in-law and due to that they have been implicated in this case though no offence as alleged is made out against them to which the learned APP opposes.

In the facts and circumstances stated above, considering that the shop from where recovery has been made does not belong to the petitioners, and as such the petitioners above named, in case of their arrest or surrender within two months from the date of receipt/production of a copy of this order they shall be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran in connection with Sugauli P.S. Case No. 75 of 2014, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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