

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12260 of 2015

Arising Out of PS.Case No. -707 Year- 2014 Thana -BETTIAH TOWN District-
WESTCHAMPARAN(BETTIAH)

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1. Santosh Kumar Pushkar S/o Late Vishwanath Prasad Proprietor - M/s
S.N. Supplier Agency, Hotel Arti, Near Pani Tanki, Main Road, Motihari,
R/o Village/Mohalla Raza Bazar, Motihari, P.S. Motihari Town, District
West Champaran.

..... Petitioner/s

Versus

1. The State of Bihar.

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra

For the Opposite Party/s : Mr. Anil Kr.Singh 1(App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 23-07-2015 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing on behalf of the State.

This is an application seeking anticipatory bail in a case
registered for the offences punishable under Sections 188,409 and
420 of the Indian Penal Code.

The Civil Surgeon-cum-Chief Medical officer, West
Champaran instituted the First Information Report alleging that
the petitioner had supplied Gatifloxince Tablets worth Rs.
17,78,400/- in the year 2011 though the use of the said Tablet was
prohibited under notification of the Central Government dated
16.3.2011. The allegation against the petitioner is that after the

Civil Surgeon learnt about the notification prohibiting use of the said medicines, issued by the Central Government, he asked the supplier to take back the said tablet which he did not do, nor did he return the amount received by him against such supply.

Learned counsel appearing on behalf of the petitioner has drawn my attention to Annexures-3 and 4 of the application written by the Civil Surgeon, West Champaran, dated 27.03.2011 and 28.03.2011 whereby, the petitioner was asked to supply the said tablets which he had supplied accordingly. He contends that no offence under Section 409 or 420 of the IPC is made out on the basis of the First Information Report.

In view of the submission as above, let petitioner above named in the event of his arrest/surrender within four weeks from today in the Court below 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, West Champaran, Bettiah in Bettiah Town P.S. Case No. 707 of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Chakradhari Sharan Singh, J)

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