

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48704 of 2014

Arising Out of PS.Case No. -749 Year- 2014 Thana -ARARIA District- ARARIA

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Upendra Kumar Ambast @ Upendra Kumar Ambastha @ U. K. Ambast @
U.K. Ambastha, son of Nagendra Prasad, reisdnet of village Aatiyana, p.S.
Ghosi, District Jehanabad, at present residing at back of Araria Bhojpur
Market, Bus Stand Road, Rahika Tola, Ward No. 17, P.S. Araria, District -
Araria

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Rajesh Ranjan, Advocate

For the State : Mrs. Indu Bala Pandey, APP

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 04-03-2015 Heard learned counsel for the petitioner and the

State.

The petitioner seeks bail in a case registered for offences punishable under Sections 272, 273, 420, 304, 120B and 34 of the Indian Penal Code and under Sections 65(17), 65(18), 27(D) of Drugs and Cosmetics Act.

It is submitted that the petitioner is running a medical shop under a valid license in his own premises. In the same premises the co-accused Dr. Pramila Roy is running a nursing home and, since the petitioner allegedly did not cooperate during the investigation by the raiding party, he has also been impleaded in this matter for keeping expired drugs and physician samples in his shop. It is submitted on behalf of the petitioner that in view

of the Rule concerned petitioner is permitted to keep those samples not for sale but for return to the concerned manufacturer or supplier. Thus, it is contended that no offence is made out in keeping the same in the shop in view of the provisions contained in Rule 65 (17) (18) of the Drugs and Cosmetic Rules, 1945.

It is submitted that the petitioner has remained in custody since 16.10.2014, thus, already there is much atonement on his part.

Considering the facts and circumstances of the case, the petitioner, namely, Upendra Kumar Ambast @ Upendra Kumar Ambastha @ U. K. Ambast @ U.K. Ambastha is directed to be released on bail on his furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Araria in Araria P.S. Case No. 749/2014.

(Dr. Ravi Ranjan, J)

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