

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.9133 of 2015**

Arising Out of PS.Case No. -223 Year- 2014 Thana -PIRBAHOR District- PATNA

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Nitin Agrawal Son of Late Narayan Prasad Agrawal, Resident of House No. 993(Ka), Mohammad Sah, P.S. - Shekohabad, District - Firozabad (U.P.)

.... .... Petitioner/s

Versus

The State of Bihar through the Cabinet Vigilance, Bihar, Patna

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Alok Kumar

For the Opposite Party/s : Mr. Ramakant Sharma(L.O.,I/C Vig.)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**

**ORAL ORDER**

02/ 13-03-2015

Heard learned counsels for the petitioner and

the Vigilance.

The petitioner is languishing in custody since 29.07.2014 in a case registered for the offences punishable under Sections 419, 420, 464, 465, 468, 471, 485, 486, 488, 406, 413, 414, 379, 274, 275, 276, 284, 120B of the Indian Penal Code, 27(a), 27(c), 27(6)(iii), 27(d), 28, 28(d), 30(a), 30(b), 30(c), 36A of Drugs and Cosmetics Act, 22(b), 23(b), 21(b) of NDPS Act, 139, 142, 143 of Income Tax Act and 56(1) & 56(4)(b) of Bihar Sales Tax Act.

On 11.07.2014 the Drug Inspector raided the medicine shop and godown of M/s Sri Hanuman Agency and another agency with the same name at Govind Mitra Road. Drug



Inspector raided and shops and godowns of several medicine dealers when some recoveries were made along with spurious drugs, physician samples and fake printed wrappers of the medicine with certain psychotropic substances. The dealers were named in the First Information Report. The FIR was registered on 23.07.2014. The petitioner was not named in the First Information Report. Petitioner was apprehended from a hotel on 28.07.2014 and from his possession ATM Card, PAN Card and challans of different numbers have been recovered, though the petitioner confessed his guilt of supplying spurious drugs and medicines.

It is submitted by learned counsel for the petitioner that neither any spurious drugs have been recovered from the petitioner nor there is any substantial evidence suggesting the complicity of the petitioner and no supplied spurious drugs have been collected by the investigating agency. The investigation has already concluded.

A statement has been made in para 3 of the petition that the petitioner has no criminal antecedent.

It is submitted by learned counsel for the Vigilance that the petitioner confessed his guilt of supplying spurious medicines to the various medicine dealers.

Considering the nature of recovery from the

petitioner and a statement has been made in para 3 of the petition that the petitioner has no criminal antecedent coupled with the fact that the investigation has already concluded, let the above named petitioner, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1<sup>st</sup> Additional Sessions Judge, Patna in connection with Special Case No. 55 of 2014 arising out of Pirbahore P.S. Case No. 223 of 2014.

**(Dinesh Kumar Singh, J)**

DKS/-

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