

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.22178 of 2016

Arising Out of PS.Case No. -33 Year- 2016 Thana -BAKHRI District- BEGUSARAI

1. Sunil Kumar son of Sri Bhagwat Chaudhary resident of Station Road, Bakhri, P.S. Bakhri, District - Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilesh Kumar, Advocate

For the Opposite Party/s : Mr. Anita Kumari Singh (App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 04-08-2016

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with Bakhri P.S.Case No. 33 of 2016 registered for offence punishable under Sections 419, 420, 468, 469, 120 (B) of the Indian Penal Code read with Sections 18 (A) (B) (C), 28, and 28 (A) of Drugs and Cosmetic Act, 1940.

The prosecution case is that one Kumar Sanjay, Drug Inspector, Begusarai lodged a written report stating, inter alia, that in pursuance of orders dated 06.02.2016 and 07.02.2016 of higher authority, it has come into light that the Prince Medical Hall situated at station Road Bakhri, Begusarai, which is standing in the name of Bhagwat Choudhary, is being run by Sunil Kumar, son of Bhagwat Choudhary from the back room without having license and on 06.02.2016 when raid was conducted Bhagwat



Choudhary was also present, who has confessed that illegal shop is being run by his son Sunil Kumar and on enquiry about license, he told that his son Sunil Kumar has no permission, whereas his another son Santosh Kumar has valid license, which is numbered as DL No. 142/142A/2005 and is valid from 12.07.2005 to 11.07.2020 and during course of investigation it was found to be true. On 06. 02.2016 at the time of raid, Sunil Kumar fled away and his father refused to put signature on report and seizure and he also fled away and did not cooperate into the matter. Due to non-production of valid paper, 16 seizure list was prepared consisting of 36 pages and accordingly medicines were seized in accordance with law. During course of raid, price list etc. of M/s J.P. Drugs, Haridwar was recovered and thus he suspected the involvement of the petitioner.

It has been submitted by the learned counsel for the petitioner that he is innocent and his brother Santosh Kumar has a valid license, which is found to be true by the Inspecting Authority. He further submits that there is no other shop run by the petitioner and the only shop is in the name of his brother Santosh Kumar. He further submits that the petitioner has no criminal antecedent as is evident from para-3 of this application.

It has also been submitted that the petitioner is a respectable person and there is no chance of absconding or tampering with the evidence in any manner. It has further been

submitted that the father of the petitioner, who was also co-accused and against whom similar allegations were made, have already been granted the privilege of anticipatory bail in Cr. Misc. No. 17553 of 2016 vide order dated 13.07.2016 by a Co-ordinate Bench of this Court.

However, learned A.P.P. for the State submits that the petitioner is named in the F.I.R., hence, opposes the prayer for bail.

Be that as it may, since another co-accused on similar allegations has been enlarged on bail, let the above named petitioner in the event of his arrest or surrender before the Court below within a period of eight weeks from today be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Begusarai in connection with Bakhri P.S. Case No. 33 of 2016, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Nilu Agrawal, J)

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