

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37353 of 2016

Arising Out of PS.Case No. -122 Year- 2016 Thana -RAGHOPUR District- SUPAUL

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Sumit Kumar, son of Ram Pravesh Bhagat, Resident of village- Narpatganj,
P.O. & P.S.- Narpatganj, District- Araria

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Jha, Advocate

For the Opposite Party/s : Mr. Arun Kumar, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 15-09-2016

Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner apprehends arrest in connection with
Raghopur P.S. Case No. 122/16 for offences alleged under
Sections 269, 275, 276 of the Indian Penal Code and under
Sections 27(b)(ii) & 27(d) of the Drugs & Cosmetic Act, 1940 and
Rule, 1945.

The prosecution case, as lodged by the
informant, is that on the orders of District Magistrate, Supaul and
with the help of deputed Magistrate and some police personnel
informant Drug Inspector raided the clinic of Dr. Shiv Mangal
Singh where accused Shivam Kumar was running a medicine shop
without having any licence and from perusal of the sale-slip it

came to light that the entire medicines were purchased in the name of Dr. Shiv Mangal Singh and the owner of the said medicine shop was Shivam Kumar. Thereafter informant seized all the medicines of the shop and other articles including several vouchers.

It has been submitted by the learned counsel for the petitioner that he is not named in the First Information Report, but on the basis of a credit memo recovered by the raiding party issued by the petitioner's distributorship firm M/s Annu Distributors, Narpatiaganj to Dr. Shiv Mangal Singh that the petitioner has been falsely implicated only on the basis of suspicion. He submits that he holds a valid distributorship licence valid up to 14.04.2017 and neither raid was conducted in his premises nor any incriminating article has been recovered but only on the basis of credit memo found in a medical shop petitioner has been implicated. He submits that the credit memo found by the raiding party of one Durga Medical Agency, whose proprietor has since been granted the privilege of anticipatory bail by the learned court below itself. He submits that the petitioner has no criminal antecedent, as is evident from paragraph 3 of this petition.

However, learned APP for the State submits that although the petitioner is not named in the First Information Report, but on the basis of credit memo of his distributorship firm,

the petitioner’s name surfaced, hence, opposes the prayer for bail.

Be that as it may, since the petitioner has been implicated merely on the basis of suspicion, let petitioner, above named, 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 bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate, Birpur at Supaul, in connection with Raghopur P.S. Case No. 122/16, subject to the conditions as laid down under Section 438(2) Cr.P.C.

However, it is made clear that petitioner will cooperate with the investigation and appear before the police/ court as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J.)

Rajesh/-

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