

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.36758 of 2016

Arising Out of PS.Case No. -278 Year- 2016 Thana -ARARIA District- ARRARIA

1. Alok Jain Son of Sri Vinay Kumar Nahta, residents of Mahavir Nagar, Ward No. 17, P.S- Araria, District- Araria, Proprietor 'Jain Medical Agency' Araria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N. K. Agrawal, Sr. Adv.
Mr. Diwakar Upadhyay
Mr. D. N. Tiwary

For the Opposite Party/s : Mr. Bharat Lal

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 06-09-2016 Heard learned Senior Counsel for the petitioner and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Araria Police Station Case No. 278 of 2016, disclosing offences under Sections 272/273/34 of the Indian Penal Code, Section 27 (B) (ii)/28 of the Drugs and Cosmetics Act and Section 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

The Police, along with Drug Inspector, conducted a raid in the house of co-accused, Tuntun Poddar, and recovered 141 cartons of drugs, containing Codeine Phosphate and upon being asked, he disclosed that the drugs were purchased by the petitioner and at his

instance, the said drugs were kept in the house of co-accused, Tuntun Poddar, who is an employee of a transport company, through which the drugs were carried.

Learned Senior Counsel appearing on behalf of the petitioner has submitted that the petitioner does not dispute the fact that the said medicines were purchased by him, but, according to him, the said purchases were made before 10th March, 2016, with effect from which date, ban on sale of cough syrups with Codeine Phosphate came to be imposed. He has also submitted that considering the fact that the petitioner admits that he had purchased the drugs, no purpose would be served if the petitioner is taken into custody for the purpose of investigation.

Considering the above submission, this application is allowed.

Let the petitioner, Alok Jain, in the event of his arrest or surrender before the Court below within six weeks, 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 Special Judge – cum- Sessions Judge, Araria, in connection with Araria Police Station Case No. 278 of 2016 (Special Case No. 19 of 2016), subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.



Prabhakar Anand/-

(Chakradhari Sharan Singh, J.)

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