

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4873 of 2016

Arising Out of PS.Case No. -327 Year- 2013 Thana -MOTIHARI TOWN District-
EASTCHAMPARAN(MOTIHARI)

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Dr. Smt. Saroj Singh @ Saroj Singh Wife of Dr. T.N. Singh, Presently
posted as A.C.M.O., Patna, resident of Jagat Enclave, Ashiana Nagar,
Police Station- Rajiv Nagar, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bindhyachal Singh, Adv.

For the Opposite Party/s : Mr. Nand Kishore Prasad (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

5 10-08-2016 Heard both sides.

The petitioner apprehends her arrest in Motihari Town
P.S. Case No. 327/2013, registered for the offences punishable
under Sections 409, 420, 120B of the Indian Penal Code.

The informant Ashok Kumar Sharma, Executive
Magistrate, Sadar Sub-division, Motihari in pursuance of the order
of the Sub-divisional Officer, Sadar Motihari raided the store
room situated in A.N.M. Training Centre and seized different
medicines of Torque Pharmaceuticals Pvt. Ltd. and Zee
Laboratories. It is alleged that the store keeper did not produce any
purchase order. The Civil Surgeon was not present in his office.
No purchase order was shown to the informant till 01.08.2013

thereafter the informant lodged this case.

Learned counsel for the petitioner submits that petitioner was on leave since 26.07.2013. Petitioner placed purchase order of different medicines to Torque Pharmaceuticals Pvt. Ltd. and Zee Laboratories at the price fixed by the State Health Society vide annexure – 2 series. In pursuance of the aforesaid purchase orders the suppliers supplied the medicines, which were kept for comparing the purchase orders and the supply lists. It is submitted that no illegality has been committed. No material has come that the petitioner purchased medicines without any order at higher price. The medicines were purchased at the price fixed by the State Health Society and the Pharmaceuticals Company is also selected by the State Health Society. The petitioner is to only place the purchase order of different medicines. It is submitted that the petitioner is a lady and she is to retire very soon.

Learned A.P.P. however, vehemently opposed the prayer for anticipatory bail of the petitioner.

Considering the facts aforesaid and the fact that the case appears to have been lodged only due to the fact that the purchase order has not been placed before the informant and it has come that the petitioner was on leave on the day of raid and she submitted the purchase order placed to the Pharmaceuticals

Companies in the month of June, 2013, the petitioner above-named, in the event of her arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Motihari in connection with Motihari Town P.S. Case No. 327/2013, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Jha, J.)

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