

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.20508 of 2016

Arising Out of PS.Case No. -207 Year- 2016 Thana -ARA NAGAR District- BHOJPUR

1. Bhashkar Kumar Sinha, son of late Nakul Kumar, Proprietor of Bihar National Bichi Road, Ara, resident of mohalla Tari Muhalla, P.S. Ara Town, District Bhojpur.

.... .... Petitioner/s

Versus

1. The State of Bihar

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

Appearance :

For the Petitioner/s : Mr. Alok Kumar @ Alok Kr Shahi

For the Opposite Party/s : Mr. Manoj Kumar No.1(App)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI  
SHARAN SINGH  
ORAL ORDER

3 20-05-2016 Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Ara Town Police Station Case No. 207 of 2016, disclosing offences under Sections 274, 277, 276, 419, 420, 467, 468 of the Indian Penal Code and Section 16, 18, 18A, 18B, 18C, 27, 28 of the Drugs and Cosmetics Act, 1940.

The petitioner is a licensee of retail sale and wholesale in homeopathic medicines. He has a shop in Ara. Allegedly, the Drug Inspector conducted raid and recovered from the petitioner's shop 51 bottles of Mother Tincture, each containing 450 ML, in violation of Rule 106B of the Drugs and Cosmetics Rules, 1945.



Learned Counsel appearing on behalf of the petitioner has submitted that validity of the said rule is itself under challenge and some of the High Courts have granted stay over the operation of the said rule. It has further been submitted that the other case against the petitioner was of same nature in which he has been granted anticipatory bail. He lastly submits that there is no likelihood of petitioner fleeing from the course of investigation or trial, if granted privilege of anticipatory bail.

Considering the submission, as above, this application is allowed.

Let the petitioner, Bhashkar Kumar Singh, 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 Chief Judicial Magistrate, Bhojpur, at Ara, in connection with Ara Town Police Station Case No. 207 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/-

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**(Chakradhari Sharan Singh, J.)**