

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44731 of 2016

Arising Out of PS.Case No. -321 Year- 2016 Thana -LAKHISARAI District- LAKHISARAI

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Jay Prakash Prasad, Son of Sri Shakhichand Lal, Resident of Purani Bazar,
Lohar Patti, P.S.- Sadar, District- Lakhisarai.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. N.K. Agrawal, Sr. Advocate
Mr. Vijay Anand, Advocate

For the Opposite Party : Mr. Anuj Kumar Srivastava(APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

3 17-11-2016 Heard learned senior counsel for the petitioner and
learned counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in connection
with Lakhisarai P.S. Case No.321 of 2016 registered for the
offence punishable under Section 420 of the Indian Penal Code
and 18(C), 27(b)(ii) of the Drug and Cosmetic Act, 1940.

Learned counsel for the petitioner submits that he had
left the Drug business many years ago but the premises under
which he had been running his business was subsequently let out
to one Sri Pawan Kumar Modi since 01.09.2007, who after
obtaining the Drug license started the business in Shop No.62
which is owned by the petitioner. Subsequently in the year 2012,
the agreement for rent was executed between the petitioner and the
said Pawan Kumar Modi for a further period of 5 years. However,

the business was sealed by the Drug Inspector but when the petitioner gave an application for unsealing of the said premises, the Drug Inspector has lodged FIR against him saying that the seal in question had been tampered with.

After hearing the learned counsel for the petitioner and learned counsel appearing on behalf of the State, it appears that there was rent agreement between the petitioner and one Pawan Kumar Modi. There is only the presumption that the petitioner had tampered with the seal.

Under such facts and circumstances and considering that no case is made out against the petitioner under the Drug and Cosmetic Act, let the petitioner above named, in the event of his 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, 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 learned Chief Judicial Magistrate, Lakhisarai in connection with Lakhisarai P.S. Case No. 321 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjana Mishra, J.)

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