

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6327 of 2017

Arising Out of PS.Case No. -13 Year- 2017 Thana -PIRPAINTI District- BHAGALPUR

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1. Brij Nandan Bihari, Son of Jai Ram Prasad Barnwal, Resident of Village-Shermari, P.S.- Pirpainty, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhay Kumar Singh

For the Opposite Party/s : Mr. Sri Arun Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 18-03-2017 Heard learned counsel for the petitioner and learned A.P.P. representing the State.

The petitioner seeks bail in connection with Pirpainti P.S. Case No. 13 of 2017 registered for the offences punishable under Sections 419 & 420 of the Indian Penal Code and Sections 18(c), 18(B), 18(A), 18(a)(iv), 27(B)(ii), 27, 27(A), 72(d), 36AC) of Drugs and Cosmetics Act, 1940.

Allegedly, the informant after forming a raiding party, raided the place of occurrence and medicines, physician samples, homeopathic medicines, prohibited medicines, empty wrappers of medicine, plastic ampoule of oxitocin injections were found and in those ampoule neither batch number nor manufacturing date, expiry date and name of the manufacturer was written.



Submission is of false implication and at the instance of some influential persons and in collusion with the Government officials, the petitioner has been implicated in this case. In para 22, 23 and 24 of the case diary it is mentioned that the witnesses have told that Drug Inspector came at the shop and demanded Rs. 50,000/- and on refusal to pay illegal demand, as he was running licensee medical shop, the instant case has been lodged. The petitioner is a license holder of medicine shop, which requires renewal on every fifth year after payment of renewed amount, which the petitioner is complying since long. The allegation of alleged recovery is totally false and baseless and the petitioner was not selling duplicate drugs as the petitioner was having license for sales of medicines and hence no case under Drugs and Cosmetics Act is made out against the petitioner.

The learned A.P.P. opposes the prayer of bail.

In the facts and circumstances stated above, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. XI, Bhagalpur in connection with Pirpaiti P.S. Case No. 13 of 2017 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property



within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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