

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No 37132 of 2017

Arising Out of PS.Case No. -57 Year- 2017 Thana -PIRBAHOR District- PATNA

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Manoj Kumar, Son of Chandrabhan Singh, Resident of Village+Post-Malpura, P.S.-Malpura, Agra, District-Agra, U.P. at Present Resident of Flat No.310, 3rd Floor, Mahima Palace, Govind Mitra Road, Police Station-Pirbahore, District-Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Sunil Kumar Singh, Advocate

For the S t a t e : Mr Manish Kumar 2, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 10-08-2017

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner seeks bail in a case registered under Sections 27 (b) (ii), 27 (d), 28, 28A, 22 (b) of NDPS Act, Sections 274, 275, 276, 414, 467, 468, 120B of Indian Penal Code, Sections 7 (i) (ii), 10A of Essential Commodities Act, 1955 and Section 36 A C of Drugs and Cosmetics Act, 2008.

The allegation is of recovery of some narcotic drugs and psychotropic substance from the flat in question which are said to be physician samples on which the labels are alleged to have been tampered, indicating that the same are being prepared for sale, even though the medicines are intended to be for free



distribution. Counsel for the petitioner submits that the petitioner has falsely been implicated in this case. It is stated that the petitioner is a labourer belonging from State of Uttar Pradesh and working in the locality for loading and unloading the medicines and has been arrested in this case even though he has no concern with the alleged recovery. He further submits that from perusal of the first information report, no case is made out under Sections 274, 275, 276 of IPC and at best if at all case can be made out only under Sections 28 and 28A of the Drugs and Cosmetics Act even though he has no concern with the seizure or the recovery made from the flat in question. He submits that he has been arrested only on suspicion and on the basis of such arrest, he is in custody since 14.02.2017.

Considering the aforesaid submissions, petitioner's prayer for bail is allowed. Let the petitioner above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge I, Patna in Special Case No 28 of 2017 arising out of Pirbahore Police Station Case No 57 of 2017.

(Madhuresh Prasad, J)

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