

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.38343 of 2017**

Arising Out of PS.Case No. -264 Year- 2017 Thana -PIRBAHOR District- PATNA

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1. Gautam Kumar @ Gautam Gupta, son of Kameshwar Prasad Gupta, Resident of Ramjee Chak, P.S.- Digha, District- Patna.

2. Ajay Kumar Gupta @ Ajay Gupta @ Ajay Kumar, son of Raj Kumar Gupta @ Raj Kumar Sah, Resident of Jay Goan, P.S.- Jay Goan District- Alipur Dhowar District- West Bengal.

.... .... Petitioner/s

Versus

1. The State of Bihar.

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

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**Appearance :**

For the Petitioner/s : Mr. Sunil Kumar Pathak

For the Opposite Party/s : Mr. Khurshid Anwar

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

2      22-08-2017                      Heard learned counsel for the petitioners and learned  
APP for the State.

Petitioners are languishing in judicial custody since 29.05.2017 in connection with Special Case No. 75/2017, arising out of Pirbahore P.S. Case No. 264/2017, for offences punishable under Sections 274, 275, 276, 284, 379, 406, 413, 414, 419, 420, 467, 468, 471/120-B of the Indian Penal Code, 27, 28, 30 of the Drugs and Cosmetic Act, 2008, 7 of the E.C. Act and 22/23 of the N.D.P.S. Act, 1985.

The prosecution case, as lodged by the Drug Inspector, is that a raid was conducted in the premises of drug owners and



large number of counterfeit expired spurious drugs were found. Some expired drugs were re-stamped to be used for consumption. Accordingly, a seizure-list was prepared.

It has been submitted by the learned counsel for the petitioners that they are innocent, bear no criminal history and were employees of said M/s Sri Hanuman Agency, whose owners were Dhiraj Kumar and Niraj Kumar. Petitioners had no knowledge about the illegal activities going on and charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioners, above named, be enlarged on bail on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge 1<sup>st</sup>, Patna, in connection with Special Case No. 75/2017, arising out of Pirbahore P.S. Case No. 264/2017.

**(Nilu Agrawal, J)**

Rajesh/-

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