

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7713 of 2017

Arising Out of PS.Case No. -246 Year- 2016 Thana -CHANDAUTI District- GAYA

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Arjun Prasad Gupta, Son of late Vishwanath Prasad, Resident of Chowk Road, P.S. Kotwali, District- Gaya.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Sanjeev Kumar, Advocate

For the Opposite Party : Mr. Nand Kumar (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 28-02-2017 Heard learned counsel for the petitioner and learned counsel representing the State.

The petitioner apprehends his arrest in connection with Chandauti (Chakand) P.S. Case No. 246 of 2016, registered for the offences punishable under Sections 419 and 420 of the Indian Penal Code and Sections 27(b) 28, 28(A), 27(b), 36AC of Drugs and Cosmetics Act, 1945.

Allegedly, as per drugs license, the drugs were not manufactured Oxytoxin (veterinary) blister pack 1 ml. glass vial, plastic ample without label and oxytoxin plastic bottle 150 ml. were seized though there was no laboratory available in the premises and accordingly the drugs were seized.

Submission is of false implication and that the petitioner was having valid license for manufacturing and when



the raid was conducted the drugs were under process and, as such, the stickers, labels were not there, without any basis the F.I.R. has been lodged. The drug inspector ought to have been issued show cause notice to the petitioner, if there was any violation, but he has lodged the F.I.R. In identical case Mithilesh Kumar @ Mithlesh Kumar has been allowed pre-arrest bail vide Cr. Misc. No. 29691 of 2016 by another co-ordinate Bench of this Court and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of pre-arrest bail.

In the facts and circumstances as stated above, the petitioner in the event of his arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall 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, Gaya, in connection with Chandauti (Chakand) P.S. Case No. 246 of 2016, subject to the conditions as laid down in section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J.)

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