

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38480 of 2017

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

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Amar Deep Kumar S/o Sita Ram Sah, Resident of Shradha Nand Road,
Ranchi, P.S.-Kotwali, District-Ranchi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

Criminal Miscellaneous No. 47318 of 2017

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

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Uma Shankar Prasad S/o Late Kashi Sah, resident of- Flat No- 3 B, Yuvraj
Complex, Kachahari Chowk, Dipti Para, P.S.- Lalpur, Ranchi, District-
Ranchi, Jharkhand.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In Criminal Miscellaneous No. 38480 of 2017)

For the Petitioner/s : Mr. Prabhat Kumar singh

For the Opposite Party/s : Mr. SRI SHYAMESHWAR DAYAL

(In Criminal Miscellaneous No. 47318 of 2017)

For the Petitioner/s : Mr. Prabhat Kumar singh

For the Opposite Party/s : Mr. SRI PRANAV KUMAR

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

5 03-11-2017 Heard learned counsel for the parties.

These applications for anticipatory bail arise out of Special
Case No. 75 of 2017, arising out of Pirbahore P.S. Case No. 264
of 2017, disclosing offences under Sections 274, 275, 276, 284,
379, 406, 413, 414, 420, 467, 468, 471/120B of the Indian Penal



Code and Sections 27, 28, 30 of Drugs and Cosmetics Act, 2008 and Section 81 of the VAT Act.

So far as the petitioners are concerned, it is alleged that from their shops the raiding party recovered certain drugs which had already expired.

Learned counsel for the petitioners has submitted that there is nothing to show that the said drugs were kept for sale rather, according to him, the said drugs were stored for the purpose of being returned to the manufacturers. In any view of the matter, he contends that no offence under sections 27, 28 and 30 of the Drugs and Cosmetics Act, 2008 is made out against these petitioners. It has also been submitted that the petitioners hold license to deal with the drugs and even if the allegation made in the First Information Report is treated to be true, no offence under the provisions of the NDPS Act is made out against these petitioners.

I am, *prima facie*, satisfied with the submission so advanced. This application is accordingly allowed.

Let the petitioners above named in the event of their arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the



satisfaction of the learned Special Judge-cum-District and Sessions Judge 1st, Patna in Special Case No. 75 of 2017, arising out of Pirbahore P.S. Case No. 264 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the Police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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