

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.28377 of 2017**

Arising Out of PS.Case No. -34 Year- 2017 Thana -JOGBANI District- ARRARIA

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Anil Sah, son of late Nandan Sah, resident of Netajee Chowk, Ward No. 15,  
Police Station - Jogbani, District - Araria.

.... .... Petitioner

Versus

The State of Bihar.

.... .... Opposite Party

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**Appearance :**

For the Petitioner : Mr. Mukesh Kumar Rana, Advocate.

For the Opposite Party : Mr. Uma Shankar Prasad Singh, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      07-07-2017                      Heard learned counsel for the petitioner and learned  
counsel for the State.

The petitioner is languishing in custody since 21.03.2017  
in connection with Special Case No. 08 of 2017, corresponding to  
Jogbani P.S. Case No. 34 of 2017 for the offences instituted under  
Sections 272, 273 of the IPC, 30(g), 38(i) of the Bihar Prohibition  
and Excise Act, 2016, 63,64 of the Copy Right Act, 1957, 27(b)(a)  
28 read with Section 36 AC of the Drugs and Cosmetic Act and  
Sections 20 and 22 of the N.D.P.S. Act.

The prosecution story, in brief, is that on 20.03.2017, the  
informant after getting secret information searched the house of  
accused persons and recovered huge quantity of drugs such as  
Spasmo Proxyvan Plus 8496 Cap., Nitrosun-10-1000 tab., Parvo



Cof-495 bottles, Corex Cough Syrup-350 bottles, Avil 320 Inj., Diazelab 100 Inj., and Lupigesuc 150 Inj., The accused Amit Kumar Sah confessed his guilt before the police and disclosed a fact that he used to run illegal business of narcotic drugs.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 21.03.2017 and the charge sheet has been submitted in the present case. There is no allegation of tampering of the witnesses alleged against the petitioner. He has got no criminal antecedent. The allegation made in the F.I.R. is denied by the petitioner. One Subhash Kumar, medicine shop owner, happened to be the tenant in the house of the petitioner. The said medicines belong to the said Subhash Kumar and due to mistake of fact the petitioner has been made accused in the present case. No compliance of Section 100 Cr. P.C. has been made in the present case.

On behalf of the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, 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 the learned Sessions Judge-cum-Special Judge, Araria, in connection with Special Case No. 08 of



2017, corresponding to Jogbani P.S. Case No. 34 of 2017.

**(Sudhir Singh, J)**

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