

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38752 of 2017

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

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Banti Kumar Son of Madan Sah, R/o Tekari Road, Choudhary Tola, P.S.-
Alamganj, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Union of India through the Secretary, Narcotic Drugs Department,
Delhi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur

For the Opposite Party/s : Mr. Panchanand Pandit

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 09-10-2017 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the Union of India.

Petitioner is languishing in judicial custody since
28.05.2017 in connection with Special Case No.75/17 arising out
of Pirbahore P.S. Case No.264 of 2017 registered for the offence
punishable under Sections 274, 275, 276, 284, 379, 406, 413, 414,
419, 420, 467,468, 471/120(B) of the Indian Penal Code, Section
81 of VAT Act, Sections 27, 28, 30 of the Drugs and Cosmetic
Act,2008, Section 7 of the E.C.Act and Sections 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 petitioner that he is innocent, bears no criminal history and was formal an employee of M/s Sri Hanuman Agency but now he has left the job. He submits that one Dhiraj Kumar and Niraj Kumar were the owners of the said Agency and Niraj Kumar was apprehended with his wife on the spot. He was not aware of the illegal activity going on, charge sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioner He submits that some of the co-accused have been granted privilege of bail by this Court vide order dated 22.08.2017 passed in Cr.Misc.No.38343 of 2017.

However, learned A.P.P. for the State and counsel for Union of India oppose the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs.Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Special Judge, NDPS, Patna, in connection with Special Case No.75 of 2017 arising out of Pirbahore P.S.Case



No.264 of 2017, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station/ court, who will file an affidavit stating his relationship with the petitioner and that petitioner will appear before the learned Court below on each and every date and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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