

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52469 of 2017

Arising Out of PS.Case No. -72 Year- 2017 Thana -BAHADURPUR District- PATNA

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Ravi Shankar Prasad @ Ravi Shankar Kumar S/o Late Basudeo Saw, R/o
Village- Dih, P.S.- Barbiga, District- Sheikhpura.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Ajay Thakur, Advocate.
Mr. Pravin Kumar, Advocate.

For the Opposite Party : Mr. Sri Indra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 04-12-2017 Heard the counsels for the parties.

The petitioner seeks bail in connection with Bahadurpur P.S. Case No. 72 of 2017 dated 24.04.2017 instituted for the offences under Sections 274, 275, 276, 419, 420, 467, 468, 120(B) of the Indian Penal Code, Sections 27(a), 27(c), 27(B)(ii), 28, 28(a) and 30 of the Drugs and Cosmetic Act, 2008, Section 7 of the Drugs and Cosmetic Act, 1954 and Section 7(i)(ii) of the E.C. Act, 1955.

On information that the petitioner and others are running a racket of preparing illegal drugs, a raid was conducted. During the raid, one Bittu Sharma was found to be manufacturing/packaging spurious drugs. The *modus operandi*, as has been stated in the FIR, is of re-stamping expired medicines



and selling it in the market. However, in the FIR it has been stated that Bittu Sharma disclosed that the medicines prepared/re-packaged in such unauthorized manner was purchased by the petitioner and others.

Learned counsel for the petitioner has submitted that the petitioner was not caught in the present case on the spot and has only been named as the purchaser of the spurious medicines. It has further been submitted that, in fact, the petitioner was arrested in Kadam Kuan P.S. Case No. 163 of 2017 for similar such offences and from the aforesaid case, he has been remanded in some other cases including the present one. Mr. Ajay Thakur, learned counsel for the petitioner has submitted that in Kadam Kuan P.S. Case No. 163 of 2017, the petitioner has been granted bail. It has also been submitted that in the present case, similarly situated accused viz. Amit Kumar has been granted bail by order dated 16.11.2017 passed in Cr. Misc. No. 54588 of 2017 by a coordinate Bench of this Court.

Taking into account the aforesaid facts, this Court is inclined to grant bail to the petitioner.

In the facts and circumstances, the petitioner above named is directed to be released on bail on his furnishing bail bond in the sum of Rs. 25,000/- (Twenty Five Thousand) with two



sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Patna City in connection with Bahadurpur P.S. Case No. 72 of 2017, subject to the following conditions:

(i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.

(ii) The petitioner will not induce any witness or tamper with the evidence.

(iii) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

(Ashutosh Kumar, J)

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