

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34571 of 2017

Arising Out of PS.Case No. -193 Year- 2017 Thana -AGAMKUAN District- PATNA

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1. Mukesh Kumar, son of late Krishna Prasad Pandey, &
 2. Smt. Madhu Kumari, wife of Sri Mukesh Kumar, both are the partners of M/s Medi World Pharmaceutical, 411/2015, Bahadurpur Housing Colony, Bhuthnath Road, Patna, and resident of 4M/35, Bahadurpur Hosuing Colony, P.S.-Agamkuan, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate

For the Opposite Party/s : Mr. Kumar Virendra Narayan, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2/ 24-07-2017

Heard learned counsel for the Petitioners and the State.

The Petitioners apprehend their arrest in Agamkuan P.S. Case No.193 of 2017 instituted for the offence under Section(s) 274, 275, 276, 419, 420, 467, 468, 120-B Indian Penal Code and Section 27(d) of the Drugs and Cosmetics Act.

It has been submitted that the Petitioner No.1 is Proprietor of M/s Medi World Pharmaceutical and Petitioner No.2 is wife of Petitioner No.1. They were not apprehended on the spot. Their names have been disclosed by Shankar Prasad, who is alleged to be taking expired drugs for destruction and he disclosed that the aforesaid drugs belonged to the petitioners.

In the written report, it is alleged that on the date of



occurrence, the Informant found that various drugs were being taken on *Thela* in suspicious condition and those were examined and found to be expired. Shankar Prasad told that these medicines belonged to M/s Medi World Pharmaceutical, Bahadurpur, and the drugs were being taken for burning. The petitioner was called by phone at the instance of Shankar Prasad and he accepted that those drugs were being taken by Shankar Prasad. It is further alleged that one staff, Raju, told that expired drugs were thrown earlier also.

In such circumstances, from the written report itself, it appears that the petitioners were not present at the spot. There is no allegation of any specific overt act against the petitioners.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with Agamkuan P.S. Case No.193 of 2017, they shall be released on anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, Patna City, Patna, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions (1) bailors should be local having sufficient



immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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