

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.3762 of 2017**

Arising Out of PS.Case No. -310 Year- 2016 Thana -GIRIYAK District- NALANDA  
(BIHARSHARIFF)

=====

1. Upendra Sharma @ Upendra Patel S/o Sri Yaddu Sharma, Resident of  
Village-Katrisarai, P.S.-Katrisarai (Giriyak), District-Nalanda

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Mr. Amitesh Kumar

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**  
**ORAL ORDER**

4      29-03-2017      This is an application for grant of anticipatory bail for offences punishable under Sections 467, 468, 471, 420 and 120B of the Indian Penal Code, under Section 66 of the Information Technology, under Sections 18(A), 18(B), 18(C), 27(C), 28(A), 27(B), II, 33 EEC(B), 33(1) of the Drugs and Cosmetic Act, 1940 and Sections 3, 4, 5, 7, 9(A) of Magic Remedies Act, 1954.

It has been submitted on behalf of the petitioner that petitioner is a Baidh and it is alleged that some medicines were recovered from the house of the petitioner. There is nothing on record that those medicines were not permissible under Drugs and Cosmetic Act. He has been made accused in this case when there is nothing against him and other similarly situated person having



similar allegation has already been granted bail by this court vide order dated 02.03.2017, passed in Criminal Miscellaneous No. 8814 of 2017.

Heard learned A.P.P. also.

Having heard both sides, in view of the allegation made, let above named petitioner, in the event of arrest or surrender within a period of two weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Twenty-five thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda, Bihar Sharif, in connection with Giriyak P.S. Case no. 310 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is further subject to the condition that:-

- (1) One of the bailors of the petitioner shall be local having sufficient immovable property within the jurisdiction of the court concerned,
- (2) Petitioner shall cooperate in the investigation and make himself available before the police as and when required.
- (3) If after investigation some incriminating material



comes against the petitioner showing any prima facie case against him, prosecution is at liberty to move for cancellation of his bail bonds.

**(Vinod Kumar Sinha, J)**

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