

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59688 of 2017

Arising Out of PS.Case No. -197 Year- 2016 Thana -DURGAWATI District- BHABHUA
(KAIMUR)

- =====
1. Jai Prakash Jaiswal S/o Late Dr. Mangal Das Jaiswal R/V At 304, Kali Mahal, Mughal Sarai, Distt: - Chandauli (U.P.). Proprietor of : M/S Prakash Homeo Stores, U.P. 1092, G - 1 Lal Bahadur Shastri Market Katra, P.O. + P.S. - Mughal Sarai, Distt : - Chandauli (U.P.).
 2. Sanjay Kar S/o Late Vimal Kumar Kar R/V : 44 (B), C.P. Road, P.S. - Beliaghate, Kolkata (W.B.), 700010. Director of International Homeo Research Pvt. Limited Ram Mohan Mallick Garden Lane Kolkata 700010 (W.B.). Email : ihrk07@gmail. Com.
 3. Nasir Iqbal Khan S/o : Iqbal Ahmad Khan R/v : Sidhari Paschim, P.S. - Sidhari, Distt : - Azamgarh (U.P.). Proprietor of M/S Health Homeo Centre 2013, R/v Sidhari Paschim, P.S. - Sidhari, Distt : - Azamgarh (U.P.) 276001.
 4. Abhay Kumar Sharma S/o Late Suresh Prasad Sharma R/V : K - 64/95 Gola Dina Nath, Varanasi, P.S. : - Kotwali, Proprietor of : M/S Bharat Homeo Stores, Varanasi (U.P.).

.... Petitioners

Versus

1. The State of Bihar.

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Ajay Nandan Sahay
For the Opposite Party/s : Smt. Indu Bala Pandey

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-12-2017 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are apprehending their arrest in a case
instituted under Sections 160(B) of Drugs and Cosmetics Rule,
1945, 27(b) and 27(d) of Drugs and Cosmetics Act, 1940 and
47(A), 49, 54 and 57 of Bihar Prohibition and Excise Amendment
Act, 2016.



The prosecution story, in brief, is that Homoeopathic drugs were transported from Kolkata to Varanasi.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. It is alleged that Homoeopathic drugs were transported from Kolkata to Varanasi. In course of transit, the goods were hold up. It is alleged that the Homoeopathic drugs, which were being transported to Varanasi contains Alcohol. The goods in question were not being sold in the State of Bihar. Being a Consignee to the goods in question, he has been made accused in the present case. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. Nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioners had no knowledge regarding the alleged incident. There is no compliance of section 100 of the Cr.P.C.

On behalf of the state, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender before the learned court below within a



period of six weeks from today in connection with Durgawati P.S. Case No.197/2016, on furnishing bail bond of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Kaimur at Bhabua, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Amit/-

U		T	
---	--	---	--

