

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37019 of 2017

Arising Out of PS.Case No. -234 Year- 2017 Thana -BHABHUA District- BHABHUA (KAIMUR)

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1. Dr. Prabhkar Dubey @ Prabhakar Dubey, son of Prem Lal Dubey, R/o village- Naipura, P.S.-Jansa, District-Varansi (U.P.), at present Kuber Complex, Saubhag Hospital, Bhabua, P.S. Bhabua, District Kaimur at Bhabua.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 31-08-2017

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner apprehends his arrest in Bhabua P.S. Case No.234 of 2017 instituted for the offence under Section(s) 18C and 27(b) (ii) of the Drugs and Cosmetic Act.

There is allegation in the written report that Md. Perwaiz Akhtar, Drug Inspector, Kaimur at Bhabua, in compliance of the direction of the District Magistrate and Chief Medical Officer, Bhabua, along with raiding team raided the Clinic, namely, Saubhagya Pali Clininc, and found one person was present, who disclosed his name as Pawan Kumar Srivastava and several drugs were recovered from the Clinic without any valid paper. The person present in the Clinic disclosed that Dr.



Prabhkar Dubey and one Vikash Kumar are jointly operating this Clinic. He failed to produce any document. Medicines were seized, which were outdated (expired), not for sale and also for distributing in government hospitals.

Counsel for the petitioner has submitted that the petitioner is having degree of BAMS (Bachelor of Ayurvedic Medicine and Surgery) from Kashi Hindu University, Varanasi. The aforesaid Clinic was registered for one year from 14.06.2016 to 12.06.2017.

Counsel for the petitioner has further submitted that this petitioner has a Clinic in Varanasi also which fact will be apparent from para 11 and 18 of the case diary. Counsel for the petitioner further submitted that he was not present at the spot and his name has been taken by a person, who was found present in the Clinic.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with Bhabua P.S. Case No.234 of 2017, he shall be released on anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief



Judicial Magistrate, Bhabua, 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) petitioner 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 petitioner and (3) if petitioner tampers 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 petitioner.

(Sanjay Priya, J)

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