

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5040 of 2018

Arising Out of PS.Case No. -163 Year- 2017 Thana -KADAMKUAN District- PATNA

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1. Ramesh Kumar Pathak @ Ramesh Pathak @ Rajesh Pathak, S/o Krishan Dev Pathak, R/o V/53A, P.I.T. Colony (Biscoman Colony), Kankarbagh, P.S.- Patrakarnagar, District- Patna.
 2. Amit Kumar @ Awadhesh Kumar S/o Suresh Mahto, R/o Village-Jagani, P.S.- K. Nagar, District- Purnea, At present - resident of L/2-27 P.I.T. Colney, Kankarbagh, P.S.- Patrakarnagar, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh

For the Opposite Party/s : Mr. Sri Nirmal Kumar Sinha

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

3 13-02-2018 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners seek bail in connection with Kadamkuan P.S. Case No. 163 of 2017 for offences punishable under Sections 276, 419, 420, 468 of the Indian Penal Code read with Sections 18 (c)/ 27 (a) (n) (ii) (c)/28 of Drugs and Cosmetic Act and Section 7 (i) (ii) of the Essential Commodities Act.

The prosecution case, as lodged by the drug inspector, is that raid was conducted in the house of one Sanjay



Chaudhary and one Ravi Shankar Kumar along with another person who were conducting business of expired medicine by re-labeling and apprehended co-accused revealed the name of the petitioners as supplier. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioners that they are innocent and have been falsely implicated in the aforesaid case. The petitioners were not apprehended during raid and the co-accused Ravi Shankar has already been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 36478 of 2017 on 10.08.2017. He submits that the petitioners are languishing in judicial custody since 22.04.2017 and that charge-sheet has already been submitted.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioners, above named, be enlarged on bail on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Patna in connection with Kadamkuan P.S. Case No. 163 of 2017,



subject to the condition that one of the bailors would be a close relative of the petitioners, who will file an affidavit stating his relationship with the petitioners.

(Nilu Agrawal, J)

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