

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34729 of 2018

Arising Out of PS.Case No. -423 Year- 2017 Thana -SONEPUR District- SARAN

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1. Rajesh Kumar Mishra, S/o Late Ram Pratap Mishra, Resident of 160 K
Yasoda Nagar, Kanpur, P.S.- Nobasta, District- Kanpur (Uttarpradesh).
2. Rajeev Kumar, S/o late Nand Kishore Chaudhary, Resident of Subodh
Market, Station Road, P.S.- Town Thana, Hajipur District- Vaishali (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashank Shekhar

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

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 04-07-2018

Heard both sides.

The petitioners apprehend their arrest in Sonapur
P.S. case No. 423 of 2017 under Sections 188 and 379/420 of the
Indian Penal Code and under COTPA-2003 Prohibition
Advertisement and Regulation of Trade and Commerce
Production Supply and Section (7) Sub-section (1)(8)(9)
subsection (10) & (3) of Distribution Act 2003.

The informant intercepted a truck bearing
registration no. UP-78 CT-5725 and on search 75 cartoons of
tobacco and 150 cartoons of Shikhar Pan Masala were recovered.
The informant alleged that the trade and supply of Panmasala and
Jarda is prohibited in Bihar.



The learned counsel for the petitioners submits that Guthka and tobacco is not prohibited but mixture of tobacco and Gutkha is prohibited. The truck has already been released in favour of owner of truck. The petitioner no. 1 is owner of the articles seized from the truck and petitioner no. 2 is owner of the truck. No offence under any sections of COTPA is made out.

Considering the facts aforesaid and the nature of allegation made against the petitioners, the petitioners, above named, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt/ production of a copy of this order are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Saran at Chapra, in connection with Sonapur P.S. case No. 423 of 2017, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

BKS/Rajan

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