

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23434 of 2018

Arising Out of PS.Case No. -57 Year- 2018 Thana -BUDDHACOLONY District- PATNA

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Shiv Kumar, Son of Sri Mangal Chand Gupta, owner of M/s Amar Enterprises, resident of Mohalla- Kazipur, Road No. 4, P.S.- Kadamkuan, District- Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Kumar, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar -2

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 23-05-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is an accused in a case registered for offence under Sections 274, 275, 276, 419, 420, 467, 468, 120(B) of the Indian penal Code and 27(C), 28 and 28(A) of the Drugs and Cosmetics Act, 2008.

It is submitted by the learned counsel for the petitioner that he has been implicated in this case only on the basis of statement made by the accused Proprietor of M/s. Janta Medical Hall. He submits that Vigamox of Batch No.264110F has not been recovered from his shop which is evident from the allegations made in the F.I.R. Recovery of counterfeit medicine is from M/s. Janta Medical Hall for which the petitioner cannot be held to be



responsible. On the basis of such allegations, the petitioner, who is having no criminal antecedent, is in custody since 11.2.2018.

The learned A.P.P. appearing for the State is not in a position to oppose the said submissions.

Considering the aforesaid submissions, prayer for bail of the petitioner is allowed. Let the petitioner, mentioned above, be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-XVI, Patna in Budha Colony P.S. Case No.57 of 2018 on the following conditions : -

One of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner and

The petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

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