

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.57065 of 2018**

Arising Out of PS. Case No.-72 Year-2017 Thana- BAHADURPUR District- Patna

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Bittu Kumar, Son of Anil Kumar @ Anil Kumar Gupta, Resident of Shanti Nagar, Gita Niwas (Rental House of Vijay Kumar Gupta), Danapur, Takiyapur, Saguna Road, P.S.- Danapur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Anil Kumar Sinha

For the Opposite Party/s : Mr. Sri Satyavarat Verma

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**CORAM: HONOURABLE MR. JUSTICE S. KUMAR**  
**ORAL ORDER**

3     27-09-2018                      Heard learned counsel for petitioner and learned counsel for the State.

Petitioner seeks bail in **Bahadurpur P.S. Case No. 72 of 2017** registered for the offence punishable under Sections 274, 275, 276, 419, 420, 467, 468 and 120B of the Indian Penal Code, Section 27(a), 27(c), 27(b)(ii), 28, 28(a), 30 of Drugs, Cosmetic Amendment Act, 2008, Section 7 of Drugs and Magic (OBJ OBD), Act-2008 and Section 7(i)(ii) of E.C. Act-1955.

Allegation against the petitioner is of running the business of manufacturing/packaging spurious drugs.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case as his name is Bittu Kumar but Bittu Kumar is the other person. It has



been further submitted that petitioner has not been named by any of the co-accused in their confessional statement. Petitioner is the only tenant of co-accused Saryug Sahni, from whose house the spurious drugs were recovered, who has already been granted anticipatory bail. No incriminating material has been recovered from the possession of the petitioner. Similarly, situated co-accused persons have been granted bail by co-ordinate benches of this Court vide orders dated 16.11.2017 in Criminal Miscellaneous No. 54588 of 2017, 04.12.2017 in Criminal Miscellaneous No. 52469 of 2017, 11.01.2018 in Criminal Miscellaneous No. 58346 of 2017 and 11.01.2018 in Criminal Miscellaneous No. 62401 of 2017. Petitioner has got no criminal antecedent and is in custody since 08.05.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned **SDJM, Patna City, Patna**, in connection with **Bahadurpur P.S. Case No. 72 of 2017**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be present on each and every date fixed by the court and his absence on two



consecutive dates without proper and reasonable reason will be sufficient to cancel his bail bond.

(3) If the 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.

**(S. Kumar, J)**

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