

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15197 of 2018

Arising Out of PS. Case No.-9 Year-2018 Thana- KADAMKUAN District- Patna

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1. Sobha Gupta, W/o Sunil Kumar
 2. Shivam S/o Sunil Kumar , Both R/o Bhagwat Sadan, Bhagwat Lane, Arya Kumar Road, P.S.- Kadamkuan, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Shankar Das

For the Opposite Party/s : Mr. Sri Dilip Kumar

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 01-05-2018 Heard learned counsel for the petitioners and learned APP for the State.

Petitioners apprehend their arrest in Kadamkuan P.S.Case No. 09 of 2018 instituted for the offence under Section(s) 419, 420, 467, 468, 274, 275, 276, 120B of the Indian Penal Code read with section 22(3), 27 (b) (ii) , 27(c), 28, 28(A), 28(B), 27 (d) of the Drugs and Cosmetic Act.

Learned counsel for the petitioners has submitted that petitioners are wife and son of co-accused Sunil Kumar in whose name the alleged licence was issued. There is allegation against Sunil Kumar that in contravention of the Drugs and Cosmetic Act certain drugs namely Oxytocin Injection were found in the premises. It is also alleged against the licence holder that licence was renewed only up to 2012.

In this manner from the FIR, there is no allegation of any specific overt act against both these petitioners who are wife and son of co-accused Sunil Kumar.

In the facts and circumstances of the case, prayer of the petitioners



for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with Kadamkuan P.S.Case No. 9 of 2018, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Addl. District and Sessions Judge 1st, Patna, 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) petitioners 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 petitioners and (3) if petitioners tamper 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 petitioners.

(Sanjay Priya, J)

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